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ORAL HISTORY AND THE *DELGAMUUKW* CASE

by

CAROL ELIZABETH MURRAY

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A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled *Oral History and the Delgamuukw Case* by Carol Elizabeth Murray in partial fulfillment of the requirements for the degree of Master of Arts.

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Date 20 July 1993

DEDICATION

to Allie

ABSTRACT

The plaintiffs in the *Delgamuukw* land claims case argue that their oral history is "true" and that it should be considered as evidence of their long standing association with their territory. The Crown, on the other hand, claims that these narratives are not history but "belief" or "myth." This thesis examines Gitksan oral history (*ada'ox)* as given in testimony at the *Delgamuukw* trial in order to understand how tropes mediate legitimacy and meaning in oral tradition. It offers a critique of the judgment of Chief Justice McEachern's interpretation of oral tradition and assesses approaches to the study of oral narrative by historians and anthropologists. The recent constructionist approach to historiography is examined in application to indigenous historical narrative; proponents of this approach posit that all historical narrative is a product of a "mythic-historical consciousness" in which a play of tropes "constructs" meaning of historical event. This interpretation of historiography is applied in a case study of one of the Gitksan *ada'ox* used in the trial in order to better understand how meaning is structured in indigenous historical narrative.

PREFACE

In this work, I am looking, in part, at issues of legitimacy in Gitksan oral tradition — how historical narrative comes to be regarded as "truth" in this culture. In doing so, I have made the assumption that there are a number of constraints, or techniques if you will, that operate to ensure the legitimacy of the class of discourse the Gitksan refer to as *ada'ox*. I have not challenged this assumption; to do so would, I believe, endorse and perpetuate the ethnocentric bias shown by Chief Justice McEachern in his *Reasons for Judgment*.

On the other hand, it is reasonable to presume that any cultural discourse, including our own, is subject to ideological pressures and that, over the course of thousands of years, historical documentation will have altered somewhat to suit those pressures. This is not, however, the systematic and inherent "distortions" of oral tradition asserted by some academic historians, but more in the nature of subtle suasion and bending of certain historical detail. Again, it is assumed that the central narrative thread in Gitksan historical tradition is "true."

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CHAPTER I: INTRODUCTION

This dissertation examines issues of legitimacy and meaning of oral tradition as it was used in evidence in the largest and most contentious of aboriginal land claims cases in Canada—*Delgamuukw*.[1] In this case, the plaintiffs, the Gitksan and Wet'suwet'en aboriginal groups, laid claim to 57,000 square kilometres in northwest British Columbia. They asserted that their aboriginal association with this traditional territory is evident in their oral tradition which recounts historical events experienced by their ancestors. Chief Justice Allan McEachern who presided over the *Delgamuukw* case determined that, although he would admit the plaintiffs' oral traditions as evidence in the case, he would not accord it the same weight as evidence based on written history since it was based on mere "belief," not "fact." The Gitksan, on the other hand, claim that since their historical narratives, or *ada'ox*, are validated through a carefully controlled process of retelling at Feasts, they have been handed down intact from distant ancestors who originally witnessed the events on which their history is drawn.

Approaches to Indigenous History

This standoff to questions concerning the legitimacy of oral history in the *Delgamuukw* case has parallels in academic research. Historians and anthropologists have both turned their attention to assessing how meaning can be determined in indigenous narrative, but have taken markedly different approaches. The historians, on the one hand, are concerned with how oral tradition might expand on or corroborate Western accounts of indigenous history. Anthropologists, on the other hand, have focused more on the cultural context in which narratives are told, or on the structure of those narratives and its relation to social structure. Only recently has attention been given to an understanding of the integrity of indigenous accounts *in their own terms*.

Oral tradition has been studied in detail by Africanist historians such as Jan Vansina (1965; 1985) and Joseph C. Miller (1980) who are primarily concerned with discovering the "truth value" of these narratives by paring away their inherent "distortions" of time and imagery to reveal the underlying historical reality. While this approach is useful in resurrecting indigenous history from the category of mere fancy or "myth," structuralist anthropologists such as T.O. Beidelman have critiqued the historians' approach to historical narrative, claiming that it does not take into account structuralist analysis.

Further, Renato Rosaldo (1980) points out that it is not the "truth value" that should be the central question in the study of indigenous history, but rather the way in which this history is constructed, how cultural perceptions are organized in narrative. Many of the conventional anthropological approaches to this question of

the construction of narrative, however, are problematic; structural analysis does not always account for meaning in narrative "from the Native's point of view."

Dell Hymes, for example, suggests that certain aspects of language construction act as formal, structural codes for meaning in a text. Thus in the Clackamas "Grizzly Woman" stories, Hymes claims that noun prefixes *wa-* or *a-* are not random but are conscious choices of the storyteller and are indicative of Grizzly Woman's active or passive state. But Hymes' analysis is a predetermined one; his assigned categories of active/passive are arbitrary and appear to be based on Western psychoanalytic distinctions of active = male and passive = female that are divorced from the determination of meaning in this specific cultural context. Further, Hymes' structuralist analysis, modeled on Lévi-Strauss' theories of meaning in narrative, presumes a cognitive universalism that sacrifices not only nuances of meaning in each telling of the tale but also regional variances in which meaning perhaps should most rightfully be discerned by the relation of the text to the cultural environment in which it is told.[2]

Hermeneutics, on the other hand, looks more closely at the interaction of "reader" and text and is concerned with questions of how historical meaning can be knowable and how the reader negotiates indeterminacies in the text. According to E.D. Hirsch (1988), however, the distinction between original authorial meaning and present day interpretations produces a "binocular vision"; he therefore concludes that all interpretations that do not conform to authorial intention do not have meaning, but *significance*.

This debate raise interesting questions for the application of hermeneutics to the anthropological study of oral narrative. Can we presume to interpret the texts from another time and space? Is there an historical cultural meaning that pre-exists a contemporary interpretive significance? How do meaning and cultural context intersect?

The primary focus for the interpretation of meaning in cultural texts in the hermeneutic approach is metaphor, not as rhetorical ornament, but as formal determinant of narratological meaning. Thus the story has a surface, literal meaning (often one that does not appear to have "sense") and deeper, metaphorical levels of meaning. It is these embedded levels of the text that are essential to the discovery of the "true" meaning of the story. According to John LeRoy (1985), it is through metaphor that the tales come to "constitute a theoretical model of society ... a set of meaningfully interconnected metaphors" (251). LeRoy identifies three major "clusters of metaphorical images" in the Kewa tales he recorded: the representation of social roles by human actors (e.g., two brothers represent <u>all</u> brothers[3]); the use of the body or external behaviours to stand for inner qualities (e.g., nudity as loss of culture or control, and excessive appetite as passion); and the concept that extreme departure from cultural norms or values is best specified by animals in which

"zoomorphic" metaphors create an analogy between animals and human qualities. (This analogy is apparent also in the Grizzly Woman tales.) LeRoy also notes that Kewa tales exhibit a 'space/territory for society' or geographical analogy in which "landscape encodes various modalities of relationship and being" (253), chief among these being the 'spatial distance for social distance' type. The tales as metaphoric systems, then, act as an "allegorical model" of society which is "nowhere to be found in the tales, as such, however; it is disseminated throughout them all, at one remove from their literal surface" (255).

Narrative meaning, then, is bound up in culturally constituted tropes that require interpretation according to a particular cultural context rather than reference to cognitive universals in order to discern their meaning. These tropes are deemed to have meaning only for the intended audience and can therefore be understood by outsiders only dimly and only after extended cultural contact. Presumably, this application of hermeneutics implies that only the significance of a narrative can be determined and not its original meaning. Further, in the analysis of narrative of other cultural groups, the original meaning is obscured by spatial as well as temporal barriers.

Knowledge of the context for the telling or performance, therefore, is critical to an appreciation of its meaning; and, since the social context is continually shifting, meaning shifts accordingly. Dennis Tedlock's focus on the performative aspects of narrative interpretation, therefore, is interesting and instructive (e.g., see especially Tedlock 1981). However, not only is the text often available only in printed form in translation, but performances can be staged for the anthropologist's sake, or an analysis be based only on one performance, creating a stilted, synchronic interpretation.

Shortcomings aside, anthropological hermeneutics appears to be the most comprehensive methodology for examining the way in which meaning is constructed in narrative. Anthropologist Jonathan Hill has applied a form of hermeneutics in his analysis of South American indigenous oral tradition that is useful as a model for bridging the spatial and temporal gap inherent in the interpretation of Gitksan historical narrative. Hill has determined that construction of all historical narrative is predicated on a phenomenon he calls "mythic-historical consciousness" — a culturally specific conflation of historical event and cultural models for the understanding of that event. Mythic-historical consciousness is manifest, for the most part, by the interplay of tropes in the construction of historical accounts — both indigenous and Western.

Claims for the legitimacy of any historical narrative, then, are not only concerned with a culturally specific process of validation but also with how these narratives are constructed through a "play of tropes" (Fernandez 1991) and how they are intertwined with a particular cultural view of the world. Historical accounts can therefore be understood as ideological constructs which reflect cultural models of

"truth." The Gitksan and Wet'suwet'en have argued in the *Delgamuukw* case that Western criteria for judging the legitimacy of their historical evidence is therefore inappropriate; Western legal discourse and its evidential criteria refer specifically to Western constructions of historical events and assume Western methods of validation. The nature of the evidence the Gitksan and Wet'suwet'en put forward, however, differs from that based on Western cultural values, yet has a validity that must be respected by the Court:

> There is a natural tendency, to which lawyers and judges are not exempt, to look at Indian societies using a model of the world that derives from Western concepts of the nature of the world and society. The dangers of this are that what Indian people say and do is either not understood or is distorted into shapes and concepts which deprive Indian societies of their essence. The challenge for this Court, in listening to the Indian evidence, is to understand the framework within which it is given and the nature of the worldview from which it emanates (Wa and Uukw 1987:22-23).

By applying a hermeneutic analysis to one of the historical narratives given as evidence in the *Delgamuukw* case, this dissertation examines how trope illumines the construction of meaning of this historical narrative. Only through an understanding of meaning of historical narrative within the Gitksan cultural context can criteria for legitimacy be assessed.

Scope of the Dissertation

Despite the stated purpose of this dissertation — to examine questions of legitimacy and meaning in indigenous historical narrative — it is not my intention to make claims to understand the full meaning in context of Gitksan oral tradition. Gitksan and Wet'suwet'en historical narratives are private and normally not told to anyone outside members of one's House; as a result, the Gitksan and Wet'suwet'en were most reluctant to give them in evidence at the trial. I feel, therefore, that it would not be ethical to reproduce them here from Court transcripts. The privacy of these accounts is therefore respected in this dissertation; the only narrative examined is that printed verbatim in the *Reasons for Judgment* (McEachern 1991). It is presumed that this version is in the public domain and that any details of this history that can be heard only by House members have been omitted. Unfortunately, because of the private nature of the material, analysis of the cultural context for these narratives had to be based on secondary sources and a more nearly complete "sociology of knowledge" could not be carried out.

Further, no advice is given for the mounting of land claims nor for providing historical evidence for indigenous groups or for anthropologists. This dissertation does not pretend to be a guide book of practical legal advice, but rather is an examination of evidence already given in a specific social and cultural context with

the express purpose of analyzing existing methodologies for the analysis of indigenous narratives.

This dissertation is organized into five chapters. **Chapter Two: The *Delgamuukw* Case: Overview and Analysis** provides ethnographic background of the Gitksan and Wet'suwet'en as well as a description of the case and its significance; and an analysis of McEachern's criteria in judging the weight accorded the historical evidence of the plaintiffs. **Chapter Three: Review of Methodological Implications** examines in greater detail the approaches of historians and anthropologists to the study of oral tradition. This chapter also discusses methodological approaches for the analysis of indigenous historical accounts that are modeled on a constructionist view of historical narrative. It examines how the use of trope is central to the construction of oral history. **Chapter Four: Gitksan Historical Narrative** offers a case study of the application of the constructionist approach examined in Chapter Three. **Chapter Five** provides conclusions to this study.

Notes

1. Although the Gitksan and Wet'suwet'en lost their case at the British Columbia (B.C.) Supreme Court level in 1991, a recent judgment by the B.C. Court of Appeal has determined that their rights to at least a portion of the territory were not extinguished by British sovereignty, but that the specific nature of these rights needs to be determined at the federal level.

2. The absurdity of structural reductionism is pointed out by Terry Eagleton (1983) who notes that structuralism assumes that as long as the structural relations in the story remain the same, the content can vary without changing the story. Thus the narrative about a son leaving home after a quarrel with his father, falling into a pit and later being reunited with his father is presumably the same story as the Biblical fall and redemption, or, as Eagleton points out, remains the same even with the substitution of a mother and daughter or a bird and a mole.

3. This analogy could more accurately be classified as synecdoche rather than metaphor. For a discussion of the "play of tropes" in narrative see Chapter Four.

CHAPTER II: THE DELGAMUUKW CASE: OVERVIEW AND ANALYSIS

Introduction

One of the most significant moments for the plaintiffs during the *Delgamuukw* trial occurred when Mary Johnson, Chief of the House of Gyolugyet and one of the most important witnesses, was asked by her lawyer to sing her *limx'ooy* or ancient song of mourning. The highly emotive *limox'ooy* or "breath song" is normally sung during *ada'ox* presentations and evokes among the Gitksan an emotional longing, a sense of mourning and of family pride that reaches back throughout time to the original ancestors whose actions are thought to have established the House and its territories and which led to the acquisition of family crests (Daly 1991:14). The judge, however, interrupted Mrs. Johnson (interruption of a chief or elder is considered extremely rude, especially in the middle of the telling of an *ada'ox*) stating that this type of evidence was inappropriate in a courtroom as this was "a trial, not a performance" (in Daly 1991:14). Further, Chief Justice McEachern noted, the song would be lost on him as he had a "tin ear." The image of McEachern's tin ear aptly captures his inability to hear the cultural nuances of the Gitksan and Wet'suwet'en evidence; they argued that their case was predicated on a different epistemological understanding of the history of their people and yet one that has equal validity both in terms of substance and legitimation. McEachern, however, insisted that Western standards were the only criteria that could be used in determining the "truth" of the Gitksan and Wet'suwet'en claim.

This chapter will also address the more specific dichotomy of history/myth which colours much of McEachern's decision. A simplistic analysis of the decision (and one held by McEachern himself) is that "we" have history and "they" have myth, a view that undermines much if not all of the oral tradition given in evidence by the plaintiffs. A more penetrating analysis, however, reveals a (misconceived) positivism.

As was explained in Chapter One, it was not possible to base an analysis of the case on the transcripts; secondary sources have been used instead. Much of the ethnographic background can be found in the Opening Statement of the Gitksan and Wet'suwet'en to the Supreme Court of B.C. (Wa and Uukw 1987); an analysis of McEachern's perspective on history is taken from both his *Reasons for Judgment* (1991) and from a special issue of *B.C. Studies* devoted to comments on the case (1992). In particular I have relied on contributions by Bruce Miller and Julie Cruikshank, both anthropologists at the University of British Columbia; Robin Fisher, an historian at Simon Fraser University; and Dara Culhane, an anthropologist affiliated with Simon Fraser. Although this dissertation is not primarily concerned with an analysis of legal aspects of the case, a pamphlet by Wendy Moss (1991) clearly outlines the legal arguments as do Brian Slattery's article (1992) and selections from Frank Cassidy's edited volume of conference papers on *Delgamuukw*

(1992). The Opening Statement (Wa and Uukw 1987) and the *Reasons for Judgment* (McEachern 1991) are also excellent sources on the nature of the legal arguments.

The Gitksan and Wet'suwet'en

The Gitksan, part of the Tsimshian language family, and the Wet'suwet'en, an Athabaskan group, are Native peoples whose traditional territory encompassed 22,000 square miles surrounding the Skeena, Bulkley and Nechako river systems (see Figure 1). The climate of the area is mild and dry, thereby producing an abundance of foodstuffs, both plant and animal, as well as being suitable to the smoke-drying preservation of foods. The mid-section of the Skeena boasts highly productive salmon-fishing canyons; fish was served at almost every meal. Since the territory is at the conjunction of three North American climatic and biotic zones (Pacific coast, interior plateau and boreal forest), a wide variety of resources was available to the Gitksan and Wet'suwet'en allowing for high population concentrations.[1] More intense harvesting and trade networks to support these high populations emphasized the importance of efficient ecological monitoring and well defined rights of ownership to the territories and fishing sites.

Figure 1. Traditional Gitksan Territory

The Opening Statement of the hereditary Chiefs to the B.C. Supreme Court stresses that Gitksan and Wet'suwet'en economies "were never based on subsistence alone" but rather were "open and mixed. The element of subsistence is part of a continual but changing economic balance" (Wa and Uukw 1987:46). This flexibility in economic structure worked to their advantage in changing economic and social circumstances; despite the advent of Christianity, the prohibition of the Feast, and other voluntary or imposed appropriations of European technologies or institutions, the Gitksan and Wet'suwet'en argue that there is a "continuity which relates the Gitksan and Wet'suwet'en to their territories, and to their distinctive form of ownership of, and responsible stewardship over, their resources" (48). This continuity underscores the Gitksan and Wet'suwet'en argument in the *Delgamuukw*

case for an ongoing relationship to their traditional territory despite the Crown's position that this relationship has been severed irrevocably by the coming of European civilization.

Case Summary

Land claims negotiations in Canada are predicated on the assumption that Native peoples have certain rights to their traditional territory as is implied in the Royal Proclamation of 1763 which states in part:

> It is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.... (in Tennant 1990:10)

It is on this basis that the plaintiffs claimed that the Royal Proclamation

> affirms "that Indian nations are recognized by the Crown as possessing rights to their territory ... that Indian rights are to be acquired by the Crown by consent in accordance with formal treaty making protocol ... [that] Indians are not to be disturbed in possession of their lands ... [and that] if the Crown wishes to make use of Indian lands for the purpose of settlement, those lands must be purchased by the Crown" (McEachern 1991:74-75).

The Province of British Columbia, however, chose to ignore the principles of the Royal Proclamation, claiming that it was never meant to apply as far west as British Columbia, and would therefore not recognize that the Gitksan and Wet'suwet'en had any rights prior to British sovereignty despite the fact that the federal government appeared willing to cede this issue and to enter into negotiations with the groups.

After exhausting all avenues in negotiation of a land settlement with the Province (see Miller 1992), the Gitksan and Wet'suwet'en in 1984 filed a legal claim to the 22,000 square miles (57,000 square kilometres) of traditional territory in northwestern British Columbia. In an unusual move, they determined that rather than representing this territory as a whole, they would claim it on the basis of their House system in which one hereditary Chief would represent the specific portion of the territory held by the members of that House. Instead of one plaintiff, therefore, there were in effect 54 -- all hereditary Chiefs. This strategy undoubtedly was designed to align the structural form of the claim with its content. Integral to their claim (summarized below) is the concept of collective ownership of and relation to the land. This concept is perpetuated through the House system, primarily through its unique crests, songs and stories, which are formally told at Feasts; Feasts are pivotal events in Gitksan and Wet'suwet'en cultures.[2] The primary unit of Gitksan and

Wet'suwet'en social organization, the House, is differentiated from the Clan in that, although a person is born into both the House and Clan through matrilineal descent, Houses are subsets of a Clan, and their members live all under one roof. Clan members are related but may not know the precise nature of their relationships. House members, on the other hand, are closely related and are able to define their relationship to one another. Gitksan and Wet'suwet'en history is often closely associated with and identified with the history of each House. Images on House crests provide a visual record of these events experienced by their ancestors and

> commemorate the groups' origins, odysseys from ancient villages, moments when the people drew upon the assistance of spirit power, the defeat of neighbouring peoples who threatened their security, or the discovery of new ways to survive the natural disasters they periodically experienced (Wa and Uukw 1987:25).

The crests, songs and stories not only constitute the official history of the House but also are evidence of "its title to its territory and the legitimacy of its authority over it" (26). The interrelationship of narrative and claim to territory, then, is synecdochically evoked in the Gitksan and Wet'suwet'en representation in court by the hereditary Chiefs of these Houses.[3]

The Legal Arguments

The Gitksan and Wet'suwet'en claim represents much more than title to the land, however. Their Statement of Claim also states that "The plaintiffs have never ceased to assert their aboriginal title, ownership and jurisdiction and right of possession of the territory in accordance with their aboriginal laws and practices" and that this title "cannot be extinguished without their consent" (*McEachern* 1991:41). This claim raises an interesting debate in jurisprudence regarding aboriginal issues: that of the Gitksan and Wet'suwet'en argument that they have had unextinguished ownership and jurisdiction over the land since "time immemorial" as opposed to the Crown's view that their title to the land, if it ever existed, was extinguished through the sovereignty of the Crown.

The plaintiffs' argument that their title has not been extinguished rested on "the identification of the fundamental principles upon which we assert aboriginal rights are based" (*McEachern* 1991:71). These principles include: the need for consent from aboriginal peoples in order to acquire land (that is, that aboriginal peoples are an equal party to any such agreement of acquisition, even in the absence of a treaty); an "Indian insistence and British acknowledgment that Indian rights must be respected" (Wa and Uukw 1987:73) during historical struggles with the French for hegemony over Indian territory; an interpretation of the Royal Proclamation of 1763 that allows that it is "the Imperial affirmation and recognition of the fundamental principles upon which the legal relationship between Indians and the Crown are to be

resolved" (74); and that "the fundamental principles which are reflected in the Proclamation have also become embodied in the common law" (76). The plaintiffs reason that "as with the Royal Proclamation, the common law of England as it was received in British Columbia, imposed a legal obligation on the Crown to acquire lands for settlement with the consent of the Indian nations" (77-78).

The Crown's argument differed substantially from that of the plaintiffs. By "placing the Proclamation in a narrow historical framework" (Wa and Uukw 1987:74), the Crown maintained that the Royal Proclamation does not apply to British Columbia since it was designed only to maintain peace with the Indians at a specific historical juncture by containing westward expansion of British settlement to the "frontier" (that is, east of the Rockies). The Crown also argued that the extinguishment of aboriginal title, although difficult to set at any specific date, conforms to the "doctrine of discovery" which by implication meant that the discovery of Canadian soil by Europeans constituted extinguishment of aboriginal title. The Gitksan and Wet'suwet'en claim to these lands, therefore, represents merely a "burden on the Crown's title."

The plaintiffs were required to provide proof of aboriginal title based on criteria established in *Hamlet of Baker Lake v. Minister of Indian Affairs and Northern Development et al.* (1980:209). Justice Mahoney held in that case that

> The elements which the plaintiffs must prove to establish an aboriginal title cognizable at common law are:
>
> 1. That they and their ancestors were members of an organized society.
>
> 2. That the organized society occupied the specific territory over which they assert the aboriginal title.
>
> 3. That the occupation was to the exclusion of other organized societies.
>
> 4. That the occupation was an established fact at the time sovereignty was asserted by England.

In addition, Judge McEachern determined that the plaintiffs were required to establish that "the aboriginal activities recognized and protected by law are those which were carried on by the plaintiffs' ancestors at the time of contact ... and which were still being carried on at the date of sovereignty" (McEachern 1991:227). Although items 2 through 4 Mahoney's criteria did not present difficult issues to resolve in *Delgamuukw*, item 1, whether Gitksan and Wet'suwet'en formed an organized society, became contentious throughout the trial.[4]

In determining that the Gitksan and Wet'suwet'en did indeed have an organized society at the time of contact, McEachern appears to have followed the criteria established by Justice Mahoney stated in the *Baker Lake* decision that

> there appears no valid reason to demand proof of the existence of a society more elaborately structured than is necessary to demonstrate that there existed among the aborigines a recognition of the claimed rights, sufficiently defined to permit their recognition by the common law upon its advent in the territory.... The fact is that the aboriginal Inuit had an organized society. It was not a society with very elaborate institutions but it was a society organized to exploit the resources available on the barrens and essential to sustain human life there. That was about all they could do: hunt and fish and survive (1980:210-211).

Although it might appear self-evident that all human societies have the degree of social organization described by Mahoney J., a prior case, *Re Southern Rhodesia* (1919), determined that

> [s]ome tribes are so low in the scale of social organization that their usages and conceptions of rights and duties are not to be reconciled with the institutions or the legal ideas of civilized society. Such a gulf cannot be bridged. It would be idle to impute to such people some shadow of the rights known to our law and then to transmute it into the substance of transferable rights of property as we know them (in *Hamlet of Baker Lake* 1980:210).

Judge McEachern cites this assertion from *Re Southern Rhodesia* in his judgment (*McEachern* 1991:31, 81) and, indeed, concurs with it: "I think, however, there is much wisdom in the dictum" (226). This dictum formed the basis of McEachern's belief that there could be instances of societies that did not form the rudiments of an organized society, although he does allow that in this case "this requirement has been satisfied" (227). This is a hollow victory, at best, particularly since it mattered little to the outcome of the case, which denied the plaintiffs' claim not because of their inability to prove adequate social organization but on the basis of legal argument for the extinguishment of title.[5]

McEachern's Views of History

Although in strict legal terms, the Gitksan and Wet'suwet'en are deemed to have met the criteria for an "organized society," the ethnocentric bias manifest in Chief Justice McEachern's comments in his *Reasons for Judgment* has grave implications for the outcome of the case. Did McEachern base his determination of extinguishment of aboriginal rights on legal precedent or was he motivated, at least in part, by his misunderstanding of the nature of the relation of Gitksan and Wet'suwet'en social practices and cultural perspectives? According to Michael

Asch (1992), this bias constitutes an egregious "error" of the judgment and, as Cruikshank (1992) notes, it has as its logical consequence a reliance on the outmoded anthropological concept of unilineal evolution. This bias is manifest in two ways in the *Reasons for Judgment*: in the language McEachern uses to describe the institutions and practices of the Gitksan and Wet'suwet'en; and in his treatment of the historical evidence given by the plaintiffs in support of their claim.

As Moss (1991) and others (Asch 1992; Cruikshank 1992) note, the language of the judgment instantiates its ethnocentric bias. For example, McEachern states that:

> The evidence suggests that the Indians of the territory were, by historical standards, a primitive people without any form of writing, horses, or wheeled wagons. Peter Skene Ogden, the controversial trader-explorer[,] visited Hotset in 1836 and noted their primitive condition (25).
>
> I have no doubt life in the territory was extremely difficult, and many of the badges of civilization, as we of European culture understand that term, were indeed absent (31).
>
> Warfare between neighbouring or distant tribes was constant, and the people were hardly amenable to obedience to anything more than the most rudimentary form of custom (73).
>
> Similarly, it would not be accurate to assume that even pre-contact existence in the territory was in the least bit idyllic. The plaintiff's ancestors had no written language, no horses or wheeled vehicles, slavery and starvation was not uncommon, wars with neighbouring peoples were common, and there is no doubt, to quote Hobbs [sic], that aboriginal life in the territory was, at best, "nasty, brutish and short" (13).

By using language such as "primitive" (as opposed to "civilized"), "rudimentary," "warfare," "not ... idyllic" and "nasty, brutish, etc.," McEachern is able discursively to establish the dominance of Western civilization.

The importance of language in creating relations of dominance in society is the focus of much of the practice theory of Pierre Bourdieu.[6] His concept of *linguistic capital,* for example, refers to the way in which those of the dominant group control the accent, syntax and vocabulary of a language so that it becomes legitimated, or forms the *doxa* of that social milieu or *linguistic market.* Those with greater linguistic capital can reasonably expect that their advantage will secure them a *profit of distinction* which in turn will allow them to exploit the social differences that form the basis of the linguistic distinction. Actual *profit*, therefore, in terms of social power and domination, may be drawn from acquiring greater linguistic capital.

Thus McEachern's access to and amassing of linguistic capital (i.e., the competence or capacity to produce expressions for a particular market -- here the courtroom) dominates the court proceedings by *requiring that the Gitksan and Wet'suwet'en couch their argument from the same pool of linguistic capital*, which, as a dominated group that has an understandably weak command of the English language and its discursive complexity, puts them at a decided disadvantage.

Secondly, McEachern also determined that although he would admit historical evidence introduced in the trial by the plaintiffs, it would not be given the weight accorded evidence based on written sources. Despite his assertion that "It is not possible to discuss this case except in an historical context" (McEachern 1991:17), McEachern had in mind a (Western) conceptualization of history based on written sources and was therefore dismissive of the Gitksan and Wet'suwet'en historical accounts which, due to their oral nature, he deemed to be a "romantic view" of events. He concludes in his judgment that "much of [their] historical evidence is not literally true" (48-49) but states of Western historians that

> I accept just about everything they put before me because they were largely collectors of archival, historical documents. In most cases they provided much useful information with minimal editorial comment. Their marvellous collections largely spoke for themselves (52).

Thus the legitimate discourse for the evaluation of oral evidence is that of Western historiography, a standard that McEachern considers value-neutral.

Much of McEachern's determination of difference between Western and aboriginal approaches to history rests on the key concept of evidence or verification. By definition, of course, history is *written* history; all else is prehistory. McEachern's view that Gitksan and Wet'suwet'en history is merely cultural belief (i.e., that their culture is arbitrary, but ours is not) implies that there is an inherent problem of verification in oral tradition; memory is a notoriously unreliable method of preserving the past.[7] He notes that only "scholarly attention" can "prove or disprove the authenticity" of oral tradition. His selective quotation from Bruce Trigger's *Time and Tradition: Essays in Archeological Interpretation*, shores up his view:

> Such traditions frequently reflect contemporary social and political traditions as much as they do historical reality and even in cultures where there is a strong desire to preserve their integrity, such stories unconsciously may be reworked from generation to generation (McEachern 1991:47).

McEachern therefore concludes that the Gitksan and Wet'suwet'en

> have an unwritten history which they believe is literally true both in its origins and in its details. I believe the plaintiffs have a romantic view of their history which leads them to believe their remote ancestors were always in specific parts of the territory, in perfect harmony with natural forces, actually doing what the plaintiffs remember their immediate ancestors were doing in the early years of this century (48).
>
> I am satisfied that the lay witnesses honestly believed everything they said was true and accurate. It was obvious to me, however, that very often they were recounting matters of faith which have become fact to them. If I do not accept their evidence it will seldom be because I think they are untruthful, but rather because I have a different view of what is fact and what is belief (49).

By applying Western standards of historiography, then, the problem of verification of oral tradition appears to be insurmountable.

Problems with McEachern's Perspective

The problems with McEachern's approach to the oral evidence in the case are twofold: on the one hand it entrenches a dichotomy between orality and literacy, history and myth; and on the other hand it posits a problematic positivist historiography. An example drawn from McEachern's *Reasons for Judgement* illustrates this compounded problem. McEachern bases many of his judgments about Gitksan and Wet'suwet'en customs and the verity of historical event on the observations of "trader Brown," a Hudson's Bay Company officer who was the first European to make contact with Native peoples in the region in 1822, thereby, in McEachern's view, symbolically ushering in the historic period. Although Brown was merely a trader who commented on aboriginal customs and practices from his own perspective, McEachern refers to him as "one of our most useful historians" (McEachern 1991:24) and states further:

> As required by his employer, trader Brown filed numerous reports which are a rich source of historical information about the people he encountered both at his fort and on his travels. I have no hesitation accepting the information contained in them (73).

One of the most problematic aspects of a positivist approach is that it neglects to take into account its own criteria for assessment of objective reality, and therefore evidence used to support it "begs the question of the history, context, and ideology in which ... [it was] written" (Cruikshank 1992:39). By not examining the context and social biases of the time during which trader Brown was making his observations and writing them down, the Judge can conclude from Brown's reports that "the people were hardly amenable to obedience to anything but the most rudimentary form of custom. Brown held them in no high esteem, partly because of their addiction to gambling" (McEachern 1991:73). Further, McEachern notes that Brown uses the

terms tribe, band, clan and family interchangeably. As Bruce Miller (1992) notes, however, anthropological terminology had not yet been invented in the 1820s and therefore trader Brown could not have been expected to use it. In addition, Brown hardly mentions Indian Houses or the feast in his reports, which leads the judge to conclude that although the feast played a "crucial" role in Gitksan and Wet'suwet'en social organization, "I am not persuaded that the feast has ever operated as a legislative institution in the regulation of land" (214).

Although it would appear from the comments on historiography in his judgment that McEachern believes he is on the cutting edge of the discipline, as Robin Fisher argues, his methodology is not only outmoded, but ineptly handled. Fisher characterizes McEachern's methodology by arguing that he uses the "xerox, scissors and paste" approach to history, that is, "the historical sections of the judgment consist of long successions of quotations from original sources strung together with commentary by the judge" (45) and that he applies a "smorgasbord approach to historical interpretation." The problem with the scissors and paste method, Fisher notes, is that "scissors cut things out of context and, once removed from their setting, all the bits of the document are of equal weight. After the individual pieces have been trimmed to a suitable shape, with the application of paste, the past can be stuck back together according to a new, and more acceptable pattern" (45).

Similarly, Fisher critiques the "smorgasbord approach":

> It would be bad enough if the "Reasons for Judgment" in *Delgamuukw v. B.C.* were merely slipshod on matters of detail, but many of McEachern's general presumptions about the way native people responded to the coming of Europeans are ... ahistorical. By viewing the past in terms of the present, he develops interpretations that are very different from those of most historians who write on First Nations peoples in Canada (1992:51).

Specifically, Fisher argues that despite McEachern's opinion that native peoples were unable to adapt to change because of their "lack of cultural preparation for the new regime," historians have shown that "native cultures were dynamic and evolving at the time of contact, and that they continued to adapt after the arrival of Europeans" (52). Historical evidence also persuasively reveals that the fur trade was a mutually beneficial relationship between aboriginal peoples and Europeans and *not* simply an exploitive exercise of European dominance and superiority as McEachern appears to believe.

The inherent belief in positivist history that there is a fixity or stability to knowledge and that there is a Truth out there that is knowable is known as the "correspondence theory" in historiography, a belief that if you gathered enough pieces, the completed puzzle would correspond with reality — how things actually

were. The pieces fit together because of an inherent "rightness" to them, not because of any structure imposed by the historian. Thus Maurice Mandelbaum can declare: "It is on the basis of the connections *inherent in the evidence* with which the historians work that they can propose concrete causal analyses of the events with which they deal" (in Roth 1988:5). Paul Roth notes that "the historian's art then is assumed to consist in chipping off the excrescences of time so that the past can stand revealed" (5)

What must be questioned in McEachern's determination of historiography are both the notions of the autonomy of the historian and the fixed identity of the object being studied. History, it is here argued, is not an objective chronicling or a description of a totality but a construction that interweaves the subjectivity of the historian with selected, partial aspects of knowledge of the past. Critiques of historical analysis must therefore always inquire into the gaps in the account — what is left out and why?

Notes

1. The Gitksan population in 1835 is estimated at 2,600 (Halpin and Seguin 1990: 282).

2. The Gitksan and Wet'suwet'en describe the Feast as "a legal forum for the witnessing of the transmission of the Chiefs' names, the public delineation of territorial and fishing sites and the confirmation of those territories and sites with the names of the hereditary Chiefs" (Wa and Uukw 1987: 31). The implication of the Feast for the legitimation of Gitksan *ada'ox* will be discussed below.

3. I shall be making the argument below that the way in which narrative "works," that is how it is constructed and is understood or interpreted, is by way of the interplay of tropes (Turner 1991; Fernandez 1991; White 1978); embedded in this tropic interplay is a performative or ritual layer (Comaroff 1985). The interrelation between Gitksan and Wet'suwet'en narrative history and its performative element at the trial I believe instantiates this view.

4. Judge McEachern holds the conservative view of "frozen traditions," that is, he believes that if an aboriginal person hunted with a bow and arrow at the time of contact, then, if he is to be deemed "traditional," he should continue to do so today; use of a rifle is deemed non-traditional practice. On the other hand, traditional practices are considered "uncivilized" by McEachern, and therefore could jeopardize the determination of the Gitksan and Wet'suwet'en as forming an "organized society."

5. It is not my intention in this thesis to provide or debate the full legal arguments raised by the Crown for extinguishment in the *Delgamuukw* case. In summary, however, it can be noted that the argument rests on two key decisions: *Calder et al v. Attorney-General of British Columbia* and *Johnson v. McIntosh*. Justice Hall in *Calder* stated that "the onus of proving that the Sovereign intended to extinguish the Indian title lies on the respondent and that the intention must be 'clear and plain'" (187). Judge McEachern interprets this dictum, however, to mean that "consent [of the Indians] would not be required" to extinguish title. By referral to the following statement, worth quoting in full, in *Johnson v. McIntosh* (in *Calder* 171), Judge McEachern determined that aboriginal title was extinguished (at least in part) by the "doctrine of discovery":

> On the discovery of this immense continent, the great nations of Europe were eager to appropriate to themselves so much of it as they could respectively acquire. Its vast extent offered an ample field to the ambition and enterprise of all; and the character and religion of its inhabitants afforded an apology for considering them as a people over

> whom the superior genius of Europe might claim as ascendency. The potentates of the old world found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the new, by bestowing on them civilization and Christianity, in exchange for unlimited independence. But, as they [i.e., colonizers from, primarily, England and France] were all in pursuit of nearly the same object, it was necessary, in order to establish a principle which all should acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated as between themselves. This principle was, that discovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments which title might be consummated by possession.

Extinguishment, then, as based on this decision, requires merely that the colonizers wished it to be so and the only catch was in distinguishing one colonizer's claim from another. Judge McEachern further notes, in an interpretation of *Regina v. Sparrow,* that intention is the governing factor in extinguishment (*Delgamuukw* 1991: 239) and that it was therefore necessary only for the Crown in the colonial period to establish a "legal regime" from which we can infer "clear and plain" extinguishment of aboriginal rights. It is not important to identify "specific, isolated intention[s] on the part of historical actors" but merely their "general intention" with regards to extinguishment. Specific legislation with "clear and plain" intent to extinguish was therefore not a requirement in McEachern's courtroom. (See Moss (1991) and Slattery (1992) for further information on the nature of the legal argument for extinguishment.)

6. See John B. Thompson's "Symbolic Violence: Language and Power in the Writings of Pierre Bourdieu" (1984: 42-72) for a more detailed explanation of Bourdieu's theories of language.

7. It is interesting to note that Walter Ong (1982) stresses that the key to orality (as opposed to literacy) is to "think memorable thoughts" (24). Among these tricks are the use mnemonic patterns; standard thematic settings; proverbs; and syntax. He states that there are two models for oral memorization, the "verbatim textual model" and the "oral formulaic model." Although most of oral tradition falls into the latter model, based on the mnemonic devices noted above, some examples of verbatim memorization have been cited in the literature (for example Joel Sherzer's description of the Cuna).

CHAPTER III: REVIEW OF METHODOLOGICAL IMPLICATIONS

Introduction

During the court proceedings, the Gitksan and Wet'suwet'en described in great detail their social and cultural institutions and practices and recounted much of their historical association with the land. The Opening Statement declares that "Never before has a Canadian court been given the opportunity to hear Indian witnesses describe *within their own structure* the history and nature of their societies" (Wa and Uukw 1987:36). Chief Justice McEachern, however, choose to ignore much of this evidence,[1] and placed his emphasis instead on the version of events provided by Western historians who argued (along with McEachern himself) that only written documents constitute historical "truth."

Several Western historians such as Jan Vansina (1965; 1985) and Joseph C. Miller (1980), however, have attempted to counter this reification of written history by putting forward a methodology for the analysis of the "truth value" of oral tradition. As Africanist historians, they are interested in expanding their knowledge of "known" events in African history; to this end they have determined that "distortions" in the oral accounts — i.e., indigenous time reckoning and fanciful imagery — can be decoded, so to speak, to allow the underlying reality to emerge.

In recent years, a methodological debate has arisen between these historians and the anthropologists who have critiqued their position on the interpretation of oral tradition: whereas the anthropologists have concerned themselves with observations of the context in which narrative has meaning, the historians, whose mandate it is to arrive at an historical truth through the examination of documentary evidence, are more disposed to regard oral narrative as just one more piece of evidence of this historical past. As Joseph Miller (1980:1) notes, "Historical method is essentially concerned with tracing the exact relationship between the evidential remnants in the present and their origins in the past." The perception of some historians is that their discipline should conform to positivist notions of hypothetico-deductive methodology. The anthropologist's reliance on participant observation, therefore, has led to claims on the part of historians (and of Chief Justice McEachern) that the discipline of anthropology is less methodologically rigorous than that of history (Miller 1980). Several anthropologists have offered counterclaims to these barbs and insist that historians cannot hope to understand oral tradition without a solid grounding in anthropological theory (Tonkin 1987; Beidelman 1970).

The long-standing debate between anthropologists and historians, in addition to questions of method, also has as its focus the nature of oral tradition itself. While anthropologists insist that historical truth cannot be discerned through the analysis of myth, historians hold that oral tradition, once shed of its "distortions," can reveal a truth about past events. It is my contention in this dissertation, however, that this methodology merely extends the positivist notions of history adhered to by McEachern and implied by evidence given by witnesses for the Crown. Further, by

applying the theories of constructionist historiography and by attempting to determine how tropes are employed and interpreted by indigenous historians, indigenous historical accounts can be understood as ideological constructs which reflect cultural models of "truth."

The Historians' Approach

Until the 1960s, historians had not paid much attention to recovery of the African past from oral historical sources. Then in 1965, with the publication of *Oral Tradition,* Jan Vansina convinced historians that oral tradition could be used as evidence of the past. But Vansina also pointed out that there were many problems with the use of oral material and outlined in his methodology how to rid these narratives of their "distortions" in order to get at historical truth.

Vansina believed that certain oral traditions had been handed down in a direct and clear "chain of transmission" and that the historian had merely to trace this chain back to its origin in order to elicit the historical truth. Vansina's chain of transmission begins with the fact or event which is observed by the initial observer. This initial or "proto-testimony" forms the basis upon which each successive informant relies in the communication of the hearsay account or testimony. This chain is broken by the final informant who communicates the last or final testimony to the recorder upon which it then forms the earliest written record. In order to "disentangle" these hearsay accounts, Vansina (1971:446) advocates that "starting with the last witness, one must work back along the chain of witnesses to come to the original author of a tradition." The assessment of distortions in transmission is achieved by collecting as many variants of the narrative as possible in order to analyze the accounts.

According to Vansina, meaning of the testimony is clouded because it often contains symbolic statements, poetic allusions and cultural stereotypes. Distortions, errors and falsification also occur through ideological factors and are the result of the influences of the functions of testimony and the purposes of the informants — factors Vansina categorizes as "social, cultural and personal." Key elements in these factors are cultural concepts of history which include the measurement of time, the idea of historical truth and attitude towards historical development. Vansina cautions that, since traditional societies do not have a mathematical measurement of time, have differing criteria for the determination of historical truth and have no concept of evolutionary development, testimony will be affected. If the historian is aware of all these factors, though, the testimony may be corrected for them if corroborating evidence from other disciplines (e.g., archaeology) is used. Thus, notes Vansina (1965:75) "it is absolutely essential for the historian to be acquainted with the language and with the culture of the people he is studying" in order to be able to discern the meaning of the testimony.

The question remains, however, whether knowledge of cultural matters is enough to make truth claims about the historical content of oral narrative. Vansina, in fact, raises this critical question:

> The question may be asked here whether the history of peoples without writing can be reconstructed with any degree of accuracy at all.... The reply to such objections is that in every testimony one must try to distinguish between the facts recorded and the significance attached to them. It is the historian's task to attempt to discover the real importance of the events of the past.... A further reply to such objections is that the historian cannot do more than reassemble those fragments of the past made available to him by the documents at his disposal, and his reconstruction of the past will always be fragmentary Vansina 1965:99).

The publication of *Oral Tradition*, then, was welcomed by historians who now could assess the truth value of oral traditions using historical methodology, particularly those historians who had been searching for documentary evidence of the African past.[2]

The Anthropological View

Anthropologists, for the most part, have followed the lead of Robert Lowie who in 1917 declared that "those who attach an historical value to oral traditions are in the position of the circle-squarers and inventors of perpetual-motion machines, who are still found besieging the portals of learned institutions" (161). Lowie based his conclusion that "Indian tradition is historically worthless" (165) on the observation that the natives paid little attention to "occurrences of tremendous cultural and historical significance" and instead assigned "extraordinary importance ... to trivial incidents" (164).

Similarly, Malinowski, while allowing that *libwogwo* ("legends") are "all regarded as true" (1954 [1926]:106) and that "history ... must have left a profound imprint on all cultural achievements" (98), emphasizes that myth[3] cannot be regarded as "mere chronicle" as this view "endows primitive man with a sort of scientific impulse and desire for knowledge" (98). In a Hobbesian manner, he declares that primitive man is "actively engaged in a number of practical pursuits, and has to struggle with various difficulties" (98). As a result, he must necessarily have a "pragmatic outlook"; myths therefore are a "pragmatic charter of primitive faith and moral wisdom" (101) and are concerned with providing a synchronic rationale for the current social order, not with events of the past.

One year after the publication of *Oral Tradition,* Claude Lévi-Strauss' *The Savage Mind* set out the basis for the structural anthropologists' critique of Vansina's work. Lévi-Strauss observed that cultures could be typified by a distinction between

"cold" and "hot" societies rather than with "the clumsy distinction between 'peoples without history' and others" (1966:233). By hot societies, Lévi-Strauss was referring to those cultures that "resolutely internaliz[ed] the historical process ... making it the moving power of their development" (234), whereas cold societies attempt to "annul the possible effects of historical factors on their equilibrium and continuity in a quasi-automatic fashion" (234). Although this new distinction might appear as mere window-dressing, Lévi-Strauss notes that the distinction is not between those societies with history and those without but that "all societies are in history and change" and "[s]ome accept it, ... and [therefore] its consequences ... assume immense proportions through their attention to it" whereas "[o]thers (which we call primitive for this reason) want to deny it" (234). So-called primitive societies accomplish this denial by making their prior historical state "as permanent as possible" through ritual in which diachrony and synchrony are integrated and overcome. Ritual re-enacts the mythical history of the original ancestors, thereby conflating the disjunction of past and present.

Lévi-Strauss' methodology for the analysis of myth also emphasizes this atemporal perspective. Structuralism proposes that texts be analyzed in terms of their "gross constituent units" or mythemes in which contrasts between pairs of these units and their mediation provide the meaning of the text (Lévi-Strauss 1963). Lévi-Strauss determined that these units are products of the unconscious and are therefore universal. This concept of universality allowed him to conclude that variants of myth should be reduced to one account, thereby explaining the similarity in tales across geographic regions and their persistence through time.

Eric ten Raa (1971) in his "The Genealogical Method in the Analysis of Myth, and a Structural Model" elaborates on Lévi-Strauss' structuralist method by emphasizing a distinction between myth and history. He notes that Evans-Pritchard's account of Nuer time reckoning[4] makes distinctions between different kinds of time that are similar to those made by historians. The structuring of time in historical tradition and the collapsing of time in myth, as observed by Evans-Pritchard, correspond to historians' notions of non-reversible and reversible time. Events in a story that happened at a given moment in the past are irretrievably anchored in that past and are examples of non-reversible time. Events with "eternal meaning," that is, those which, as Evans-Pritchard notes, do not supersede one another but have relevance in all time dimensions, are considered reversible by historians.

Ten Raa explains that it is this difference in time reckoning which underlies the distinction between history (non-reversible) and myth (reversible). Further, Lévi-Strauss' structural analysis is concerned only with myth, not history, and he is therefore justified in ignoring the diachronic dimension "in order to find the timeless core of the myth: that is, the message which it seeks to convey.... The diachronic element is simply a technical expedient in the process of conveying the message of which it forms no integral part" (1971:315). Ten Raa concludes that a myth is a

"social document" and therefore can be differentiated from the historical tale which is a "commemorative tale in praise of some ancient hero."

The distinction between history and myth is a useful one for structuralists in that it allows them to apply their analysis without reference to Vansina's (and other historians') obsession with truth value. Ten Raa's response to the question "Is there a 'true' version of a myth?" is instructive in this regard:

> That which I have referred to as non-reversible time is history, and because historical truth gets condensed and distorted in oral tradition, and sometimes mixed up with pure myth, it may be argued that oral tradition and true history are mutually exclusive. In order to remain true, historical texts would have to be handed down from generation to generation in a totally unaltered form, which is impossible. But on the other hand, myth, the timeless story, *can* be told in different forms because it is symbolic.... Thus we find that historical truth depends on literal, prosaic representation, but symbolic truth allows for many different versions, and indeed thrives on variation (1971:316).

Although ten Raa is not responding to Vansina's argument in *Oral Tradition* per se, his remarks would seem to discredit Vansina's assertion of an unbroken "chain of transmission" which historians can reconstruct in order to ascertain historical truth, while simultaneously validating Lévi-Strauss' approach to mythical variants.

This distinction of symbolic and historical truth is also taken up by Beidelman (1970) who writes in direct response to Vansina's claims for the truth value of oral tradition. Beidelman argues that "interpretation of traditional oral material is exceedingly difficult and requires that historians bent on such analysis first master the rudiments of social anthropology" (74). Beidelman makes two central arguments: first, that historians do not have "competence in social theory, much less any sophistication in the analysis of kinship, genealogies or symbolism" (75) and that therefore errors occur in their analysis because they ignore "most of the important theoretical works by social anthropologists," and secondly that oral tradition represents a sociological truth "quite outside the sphere of the historical" (94). These two problems are interrelated in that because historians overlook aspects of cultural evidence, they are not able to arrive at the insights gained through structural analysis:

> Vansina provides many examples of the kinds of techniques he hopes to use in order to sift "historical facts" from legendary detail. But nowhere does he refer to any of the important work done by contemporary structuralists who show how legends and myths deal with social structural principles which provide insights into the mechanics of a society. Vansina makes no sophisticated attempt to show how he could determine when the items of oral tradition are simply reflections of these social and cosmological values.... It

> is one thing to show how a social system is more or less consistent and therefore works; quite another to show how certain legendary elements are necessarily related to actual historic facts and to establish some chain of causal, factual connexions by which one may write history (95).

Although Beidelman appears to be allowing for the existence of historical truth within oral tradition, he simultaneously invalidates the historians' claims by asserting that this evidence is so embedded in the sociological truth that it is virtually impossible to extract, particularly since "the degree of insight and sophistication required for this is far beyond that displayed by any of those yet working in this field" (95).

The Historians Respond

Vansina rises to Beidelman's challenge by arguing that the existence of symbolic meaning[5] in oral tradition "does not, however, necessarily invalidate the whole content of a tradition, as T.O. Beidelman would like to have it" (1971:455). He claims that distortions in a particular testimony do not necessitate the conclusion that the events did not exist. For example, the highly complex symbolic nature of popular accounts of the Mayflower does not mean that the ship never sailed.

Joseph C. Miller also attempts, in his introductory essay to his 1980 collection of historians' papers on the subject of historical evidence in oral tradition, to respond to these "countercharges made by structuralist and functionalist anthropologists" (Miller 1980:ix). Although his methodology could be seen as an expansion of Vansina's, Miller notes that rather than regarding oral tradition as a "chain of transmission," which implies that the narrative is akin to a documentary source of a literate culture, the focus of contemporary historians is on the "factors peculiar to the oral environment [which] altered the correspondence of the words heard to the past sought as events receded in time relative to their telling" (2). In other words, Miller describes a methodology for separating the "distortions" from the historical event in oral narrative.

Miller notes that there are three principal elements used in the construction of oral narrative: cliches, episodes and personal reminiscences. The *cliche* (or stereotype) could also be called a motif in that it is often an "elementary narrative theme," such as the arrival of a foreign hunter who becomes king of the local people, which is consciously used in many traditions and which compresses highly complex meanings. Miller suggests that cliches are often short, dramatic and usually couched in structured language in order that they be easily remembered.

Episodes are the stories that contextualize the cliches and explain them in terms of present conditions. Despite their contemporaneous invention, however, episodes cannot be used to infer historical information. Only the cliche at the centre

of the episode which has been handed down over many generations can bear information about the past. *Personal reminiscences* are noteworthy because through a process of collective memory, they are transformed into oral traditions in succeeding generations.

According to Miller, there are several forces acting upon these basic elements of the narrative tradition that produce its "distinctive features": structuring, epochs, anachronisms, genealogies and variation. He suggests that these features have been responsible for the dismissal of the historical content of oral narrative since they give it a mythical quality. Since myth, he suggests, is more a "presentistic[6] and communal *style*" than a genre of oral tradition, myth and history are therefore not mutually exclusive as Beidelman states.

Structuring (not structuralism), for example, is "the process by which representations of real events might acquire phrasings that also express fundamental cosmological beliefs or perceptual categories of the people who tell them" (1981:13). *Epochs* are culturally determined groupings of cliches. Some cultures, for example, use the reign of kings to group cliches, while others might use past/distant past/recent past. Despite the resemblance to Western notions of time, however, the chronology of epochs cannot be determined with any degree of reliability since the historical data is not anchored to any specific point in the past. This disordering of events, known as *anachronism*, usually occurs when there is a movement of cliches from one epoch to another.

The primary cliche employed by non-literate peoples is *genealogical relationships*. Although these have often been interpreted by historians (and presumably by anthropologists) as literal representations of events, Miller points out, however, that these relationships are often personifications of more abstract events in order to lend them concreteness and thus memorability. *Variation*, or multiple accounts, is usually dismissed by structuralists and historians alike as "faulty transmission" but Miller suggests that it is often in the differences in accounts that history lies since narrators construct their stories from material at hand — material which often reveals evidence of past events for historians.

How then do traditions develop? First, an event is observed and remembered, which in turn generates a large number of personal reminiscences and also a generally agreed upon explanation which emphasizes just a few aspects of the event. Transformation of the narrative would occur as oral historians vied to establish the historical version. Eventually, after many tellings, one or a few distinct versions would crystallize. This structuring of narrative from the original historical description takes roughly three hundred years. It is with the implications of these changes to historical testimony that Miller is concerned (as opposed to Vansina who looked to negating the effects of change).

Yet determination of the meaning of the cliches used in the structuring of narrative is by no means clear. Miller states that historians who use a hermeneutic approach and treat cliches symbolically or metaphorically "expose themselves to the objection that what they may individually sense as historical in the traditions would not so strike another analyst in possession of the same data" (1981:24). In other words, the interpretation may not be replicated by other researchers and is therefore not verifiable by scientific method. Miller suggests, therefore, that meaning must come from "independent confirmation of the events to which the cliche is believed to refer and from evidence of consistency in the way oral narrators seem to use it" (25). The most telling use of cliches is to describe a general pattern of repeated historical events such as village fission, the process of confirming political ties with dependent descent groups, the extinction of noble titles, etc.

Another aspect of selection and structuring by oral historians which literate historians must be aware of is that influenced by perceptions of change in non-literate societies. Unlike Western concepts of historicity which hold that change occurs in gradual increments with clearly delineated chains of causation, non-literate peoples, due to the constraints inherent in orality, conceive of change as dichotomous and abrupt transformations initiated by a crisis. (Crises make good stories and are more memorable.) This perception leads to a form of selection and structuring known as the "hourglass" shaping of oral tradition in which most of the information is in the distant past (often origin or creation myths) or the recent past with not much in the middle. Miller explains this phenomenon:

> What has in fact happened to produce this pattern, apparent only to the literate outsider, is that the oral historians' conception of change as cataclysmic and total leads them to group all events dealing with change in a single period of universal transformation, thus accentuating the drama of the changes portrayed. Their pushing back to the period of "origins" of many or most events seen as marking change leaves the vacuum in the middle period and creates an impression of stability at the narrow waist of the hourglass. In fact, it is at this period that cliches referring to process may occur, and the regularity, repetitiveness, and normalcy of these processes is entirely consistent with the oral narrator's evident perception that "nothing happened" from the time of origins until the recent past. The oral historian thus uses cliches as logical devices very akin to "process models" to link the baseline of the "time of origins" to the recent past of personal reminiscences (1981:37).

Because oral historians are often not perfectly accomplished at structuring, literate historians are able to detect these techniques in order to "tease out ... some of the real history concealed in the oral narratives" (38).

Miller also notes that oral narrators structure the past in layers — elements which originated at various times but which all exist contemporaneously in political institutions of the present. This tendency preserves the memory of past events and

may also help explain the politics of the present. Miller categorizes those elements of the layers that refer to origins as "present past" since it is this period that accounts for the presentism in the political environment; the "absent past" refers to times prior to the establishment of present institutions. These narratives are more highly structured and myth-like. These categories of "pastness" allow Miller to devise a typology of traditions in terms of their historical accuracy: those referring to the absent past are creation myths, myths of ultimate origins and transferal myths (those in which a migration cliche figures but which actually refer to more recent experiences); those of the present past are typified as fragmentary episodes, comprehensive and independent charter myths and personal reminiscences. Thus rather than myth and history being mutually exclusive, they are present in greater and lesser degrees in oral tradition typified along a continuum representing types of past as represented in those traditions.

Vansina's revision of his 1965 *Oral Tradition* (renamed *Oral Tradition as History)* contains echoes of Miller's work and although much of the 1965 work is elaborated on and rethought, Vansina's original goal remains unchanged: "to introduce the reader to the usual set of rules of historical evidence as they apply to oral traditions" (xii). He still maintains that oral history forms a "chain of transmission" but places greater emphasis on interpreting the "sociological" aspects of images and cliches and the unravelling of the symbolic. And yet he attributes the formation of the corpus to "collective memory" and the structuring of accounts and the presence of images and cliches to the need to remember accounts — a process made easier by the effects of selection and restructuring (such as the "floating gap" and the use of epochs) and the use of concrete images rather than abstract reality.

Current Anthropology

To those searching for evidence of an aboriginal past in oral narrative, Vansina's application of "the usual set of rules of historical evidence" to this material would seem to resolve the dilemma of the burden of proof required in the courts for land claims cases. His approach not only offers a translation service for these narratives but also analyzes how they are structured and relates this to what researchers suspect might be true or can corroborate from other existing evidence. But this approach does not resolve the disciplinary debate and, more importantly, does not address the perspective on their history of Native people themselves. Vansina's insistence on a mnemonic explanation for structuring of narrative denies Native peoples epistemological agency in the construction of their traditions. Further, to offer a methodology of translation does a disservice to the meaning and intent of these traditions and perpetuates the view that Western criteria for historical truth are the standard bearers for *all* cultural epistemologies.

The dismissal of anthropological approaches to tradition by Miller and Vansina is based on their understanding of functionalist and structuralist approaches

— both are synchronic and thus ahistorical by definition. Although in the 1950s when Evans-Pritchard pointed out that "social anthropology [is] closer to certain kinds of history than to the natural sciences," critiques of his position made it apparent that he had run into "a bad patch of anti-historical prejudice" (1961:1). In the past decades, however, anthropologists have begun to recognize the limitations of the structuralist and functionalist approaches and have endeavoured to seek cultural models which incorporate an historical component.[7] Some of these theorists, such as Wolf (1982) relied on Marxist notions of history and world systems theory in their attempts to delineate the effects of a capitalist colonialism on the colonized class. The anthropological appropriation of structural Marxism and political economy, however, has resulted in analyses of social phenomenon that are largely ahistorical. Culture (as "ideology") is seen to have a role only in social reproduction, not in social transformation; more specifically, the analyses show how myth has maintained the status quo. The historical concept these models hold, then, is that indigenous cultural factors tend to reproduce existing cultural models whereas change is introduced from the outside in the form of world capitalism. This tendency has prompted Ortner (1984:143) to remark that "History is often treated as something that arrives, like a ship, from outside the society in question. Thus we do not get the history *of* that society, but the impact of (our) history *on* that society."

Ortner suggests that recent anthropological applications of practice theory, based on Bourdieu's model (1978), hold promise for the incorporation of social action into structuralist theory. Practice theory is concerned with the relationship between human action and societal structures and institutions -- usually perceived in asymmetrical terms in which certain elements of society exert a cultural hegemony over human action. "What a practice theory seeks to explain, then, is the genesis, reproduction and change in form of a given social/cultural whole, defined in — more or less — this sense" (Ortner 1983:149). If structural functionalist models viewed culture as a biological organism, structuralism viewed it as a machine and hermeneutics as text, then practice theory could be said to regard human action as a game or market. The application of rules and regulations of cultural norms and structures is not what interests practice theorists, however; rather, strategies of human actors are deemed significant because of their political implications. The practices of everyday life and the strategies necessary to effect these are the agents for the reproduction and transformation of cultural norms and institutions. Unlike theories of symbolic interactionism and transactionalism which minimize the relevance of cultural institutions, practice theorists are concerned with how the system is produced and changed. The study of practice is therefore considered a complement to the study of structure.

Sahlins on Myth and History

Because it purports to counter the ahistorical aspects of structuralism and functionalism, practice theory appears to have much to offer the study of indigenous historiography. In his *Historical Metaphors and Mythical Realities, for example,* Marshall Sahlins sets out a theory of "mythopraxis" as a corrective to the synchronic nature of structuralist theory, which he characterizes as having "a radical opposition to history" (1981:3). Sahlins attempts to theorize how action, or practice, and structure can be integrated by seeking an answer to the question "How does the reproduction of a structure become its transformation?" (8). In Sahlins' view, the playing out of the Hawaiian myth of the return of the god Lono in the form of Captain Cook, that is, the attempt at cultural/structural reproduction, failed because of "the structures of the conjuncture," the "dynamic of practice" created through contact with Europeans that radically transformed the society: "the received cultural system did enter into a dialectic with practice" (33). Transformation, in this account, then, is failed reproduction.

According to Sahlins, the arrival of the *Resolution* (Ortner's ship?), in Kaelakekua Bay on 17 January 1779 forced a reenactment of the Hawaiian myth of the return of their god Lono (in the form of Captain Cook), believed to have fled to Tahiti after a quarrel with his wife. Sahlins' argument is not that this reenactment is considered merely analogous or a form of role playing on the part of the Hawaiians, but rather that "mythical incidents constitute archetypal situations. The experiences of celebrated mythical protagonists are re-experienced by the living in analogous circumstances. More, the living *become* mythical heroes...." (1981:14). He concludes therefore that "the incidents of Cook's life and death at Hawaii were in many respects historical metaphors of a mythical reality" (11).

Sahlins' main point is that the actions of the Hawaiians were motivated by cultural conventions: Hawaiian women visited the European ships despite strict tabus,[8] in order to consort with the men, acts predicated on the cultural custom of hypergamy or *'imi haku* ('to find a lord'). The Hawaiians believed that if women were impregnated by chiefs, the offspring of this union would have *mana,* and could therefore aspire to chiefly or high-ranking status. According to Sahlins, then, their attraction to the Europeans was motivated by their belief in the god-like status of Cook's men. Sahlins stresses that although this was not a materialist proposition for Hawaiian women, "the English seamen knew how to repay the favours granted them. They immediately gave the women's services a tangible value" (1981:41):

> They [the Hawaiian women] were very fond of Bracelets ... and as we have always made it our study to accommodate our presents to the Taste of the Ladies, we continued to gratify them by stripping our Clothes of Metal Buttons and sewing them on Strips of Red Cloth, which we always found to be very welcome (Samwell in Sahlins 1981:41).

But the kinsmen of these women were also deriving "tangible benefits from their sexual commerce": the women frequently would demand a Toi (iron adze) for their father/brother/husband; the men thereby acquired a direct economic interest in the women's sexual exploits. (This interest took a somewhat amusing turn when Cook's seamen "began to pry nails from the ships' holds as gifts for their women friends, even as Hawaiian men were using their newly-acquired iron adzes to do the same from the outside, so that between the two they threatened to pull the ships to pieces" (1981:41).) Sahlins further explains that the economic solidarity of the commoners was in opposition to the behaviour of the chiefs who, through chiefly violence and a series of tabus, effectively controlled foreign trade,[9] thereby creating an oppositional relationship rather than the traditional one of interdependence. It is this oppositional relationship, based on economic tabus and autonomous acts of commerce by commoner men and women, that Sahlins argues provides the basis for an ensuing class-based Hawaiian society.

Sahlin's account is notable in its attempt to develop a relation between history and myth, and, as Jonathon Friedman (1987:73) remarks, Sahlins tackles some of the "great questions of anthropological discourse: the relation between historical process and cutural order, between social structure and cosmological models between structure and practice, the nature and symbolic constitution of political power, the relation between exchange [and] power." Yet Sahlins' thesis is also problematic on several counts. Ortner (1983) notes that the centrality of domination in his model occludes the presence of other aspects of practice such as cooperation, reciprocity and solidarity. Further, as Gananath Obeyesekere (1992) notes, evidence for Sahlins' thesis relies uncritically on contemporary accounts of Cook's voyage and contact with the Hawaiians. He thereby appropriates Enlightenment values, a generative process Obeyesekere refers to as the creation of anthropological "myth models." Because of his uncritical use of quotations from Cook's men it appears that Sahlins accepts wholesale the Enlightenment view of Hawaiian women as highly sensuous and naturally promiscuous and European women as being subject to a certain "sensibility" which, since it was based in their physiology and thus was "natural," led to an assumption that their resulting ignorance, irresponsibility and lack of intellectual powers were impediments to enlightenment goals of (male) reason and progress (Jordanova 1980). (Cultural) men, therefore, were burdened with the responsibility of "knowing" (natural) woman. If women cannot be knowing subjects, they must then be rightful objects of male desire.

A third critique of Sahlins' thesis is offered by Friedman (1987:97) who argues that the cultural determinist slant of Sahlins' interpretation of practice in fact "eliminates the conditions of practice.... In the cultural determinist framework, there would not appear to be any ... relations and processes. If there is only culture and its practice, its generated events, then it is perfectly understandable that history must be conceived as the repetition of the script, the imposition of the past on the present." The reification of the role of actor as the agent of change is ironically called into

question in Sahlins' account in which change is more a by-product of action and historical event.

The value of Sahlins' thesis, then, is perhaps not in how closely it conforms to current practice theory but rather in its attempt at a wedding of myth and history. His view of myth as the vehicle for the reproduction of societal norms, however, is reminiscent of the structural functionalist interpretation of myth as "pragmatic charter" and creates the only possible role for history as failed reproduction of the charter myth. Again, events outside the actors' control are responsible for a dichotomy between the action as lived cultural practice as enshrined in myth, and event as contradiction that results in subsequent transformation of these mythic practices.

Questions of Agency

One of the thorniest issues in contemporary historiography (anthropological and otherwise) is this question of agency. In the Western context, this question is concerned with the individual and his/her relation to the power of the dominant social institutions: What is the role of the individual in social change? *Can* the individual bring about change? Is the individual just a dupe of institutional power/domination? In an indigenous context, questions concerning the role of the individual are less relevant. Questions remain, however, as to the role of the group in the formation of cultural models and how these cultural models influence the formation of historical narrative. These questions about the relationship between social subjects and the way in which ideological and material reality affects their lives have enormous implications as to how historians and anthropologists should address the way in which historical events are represented in cultural practice.

What each of the positions examined in this chapter have in common (at least in terms of this discussion) is an attempt to determine how historical knowledge is produced and what our understanding of it is. Yet none of the methodologies discussed — that of the historians, the structuralists or the practice theorists — adequately addresses this question of agency. Vansina and Miller, who albeit are concerned with an entirely different agenda, nevertheless are rightly criticized by structuralist anthropologists for not taking social theory into account. The anthropologists, however, have not resolved the issue of how the construction of historical narrative relates to a specific cultural understanding of the world.

Without an understanding of the agency of cultural groups in the determination of their historical reality, both meaning and legitimacy of indigenous historical narratives is lost. As McEachern's comments in his *Reasons for Judgment* indicate, reliance on Western criteria for validation and the determination of historical truth results in a distortion of the indigenous perspective of oral history. Recent applications of constructionist history to anthropological interpretations of

indigenous historical narrative, however, hold promise of rectifying this distortion and of reflecting more closely key aspects of indigenous historiography.

Notes

1. And the evidence of the anthropologists, for that matter (Culhane 1992).

2. In commenting on the way in which *Oral Tradition* has acquired a Bible-like reputation, Elizabeth Tonkin (1986) refers to it as OT or Old Testament.

3. Malinowski's primary focus is on myth which he differentiates from legend. While legend "opens up past historical vistas ... myth comes into play when rite, ceremony, or a social or moral rule demands justification, warrant of antiquity, reality and sanctity" (1954 [1926]: 107). He therefore concluded that myth forms "the dogmatic backbone of primitive civilization" (108). Nonetheless, for the purposes of determining Malinowski's views on the truth value of oral narrative, his remarks on the necessity of examining the "sociological reference" of myth and his belief in the pragmatic nature of myth could be said to apply equally to legend.

4. Evans-Pritchard (1950) observes that there are three levels of Nuer time reckoning: historical time, tradition and myth. He claims that movement in historical time is "an illusion," in that it is really the movement of persons through the structures of time (e.g., age-sets, lineages). Tradition, in which historical events are incorporated into myth, also displays this reliance on structural time: "Time perspective is here not a true impression of actual distances like that created by our dating technique, but a reflection of relations between lineages, so that the traditional events recorded have to be placed at the points where the lineages concerned in them converge in their lines of ascent. The events have therefore a position in structure, but no exact position in historical time as we understand it" (108). Myth, he notes, is "always seen on the same time perspective" (108), that is, events do not supersede one another. He concludes that "Nuer time dimension is shallow. Valid history ends a century ago, and tradition, generously measured, takes us back only ten to twelve generations in lineage structure, ... [therefore] the distance between the beginning of the world and the present day remains unalterable. Time is thus not a continuum, but is a constant structural relationship between two points, the first and last persons in a line of agnatic descent" (108). According to Evans-Pritchard, then, oral history is not a reliable source of chronology of Nuer events because they do not reckon time in the same way we do.

5. Interestingly, although Vansina states here that "There is no doubt that such a level of [symbolic] meaning really exists," at the time of the writing of his vastly revised version of *Oral Tradition* in 1985 (retitled *Oral Tradition as History*), he states that "Beyond the critique one can make of the assumptions and goals of structuralism, its procedures are also invalid" (165), noting that

"the analyses cannot be falsified because ethnographic validity is irrelevant, the discourse being unconscious.... All that can be verified is whether the images used actually occur in the text" (165). He therefore concludes that "structuralism fails" (163).

6. Margaret Conkey (1991: 129 fn. 5) defines presentism as "the use or the study of the past for the sake of the present."

7. Although Geertz's interpretive approach (1973) attempts to counter the structuralist paradigm, it focuses more on describing "winks" and "twitches," the "webs of significance he [man] himself has spun" (5) than the process of spinning those webs. The "action as text" approach lays itself open to the kind of criticism directed by Miller (1980) -- that interpretive theory does not offer any criteria for evaluating its analysis; that Geertz's concept of "turtles all the way down" leaves analysts questioning the lack of closure: "how much interpretation is enough? How thick need description be?" (Biersack 1989: 79). Perhaps most damning of all, however, is that Geertz's analysis offers

> no understanding of the native from the native's point of view.... Geertz offers no specifiable evidence for his attributions of intention, his assertion of subjectivity, his declarations of experience. His constructions of constructions of constructions appear to be little more than projections, or at least blurrings, of his point of view, his subjectivity, with that of the native, or more accurately, of the constructed native (Crapanzano 1986: 74).

In terms of the debate at hand, (i.e., the historical component to anthropological analysis), Biersack (1989: 80) notes that "Geertz's cultural analysis is as static as any structuralism.... The webs, not the spinning; the culture, not the history; the text, not the process of textualizing -- these attract Geertz's attention."

8. The tabus on Hawaiian women, who were considered ritually 'unmarked' (*noa)*, consisted of 1. swimming out to the ships at night when the bonita tabus were in effect and 2. eating forbidden foods (pork, turtle, bananas and coconuts) while in the company of men (it was considered tabu for women and men to eat together). These tabus were punishable by death.

9. In fact, by the end of King Kamehameha's reign, he had placed so many regulations on the trade of Europeans and Hawaiian commoners that the ships could no longer get provisions from these settlements.

CHAPTER IV: GITKSAN HISTORICAL NARRATIVE — A CASE STUDY

Introduction

The concept of agency supports the contention of the constructionist school of historiographers who hold that "the events of the past are constituted by the community of historians" (Hill 1988:16 fn.2). The experience of agency in historical event is then taken up in the active construction of its telling. In recognition of this rather phenomenological nature of history and historiography, therefore, some historians and anthropologists are "rethinking" the conventional dichotomy between history and myth. This is not the culturally determinist model of myth and history depicted by Sahlins, but rather one which accounts for the active historicity of event and narrative from the native's point of view.

Jonathan Hill, for example, argues that South American indigenous history is predicated on a "mythic-historical consciousness" in which an attempt is made to "reconcile a view of 'what really happened' with an understanding of 'what ought to have happened'" (Hill 1988:10). The new interpretations of historic consciousness are not new genres layered onto existing expressions of mythic and historical consciousness, but rather are *transformations* of *existing* genres. These symbolic transformations are usually based on metaphor or some other trope and develop along three dimensions of social process:

1. the development of novel semantic categories;
2. the organization of thought which shapes social action; and
3. the struggle to cope with actual situations.

Hill refers to this as the "three-dimensional social use of metaphor."

Vansina too notes the importance of trope and imagery in the structuring of oral tradition, but states that cliches "must be interpreted symbolically because they cannot be accepted as they stand" (1985:140). In other words, once the historian has determined what the image refers to using Western standards of "reality," then its meaning will be clear. By way of example, Vansina notes that in a Tagish tradition which tells how a white prospector and his Tagish brother-in-law Skookum Jim found gold, the image of Wealth Woman, who defecates gold balls, appears as a cliche. Vansina concludes that this cliche is "stereotypical" and "is used here as condensation of what the Gold Rush stood for" (140). (One wonders, however, how Vansina would explain "what the Gold Rush stood for" in Tagish terms.)

Although Vansina relies on Catherine McClellan (190) as a source of this tradition, he neglects to note her caveat that "these stories can be fully understood only in relation to [their] general cultural context" (129). And, as anthropologist Roy Willis (1986:6) notes,

> much of what ... [Vansina] has to say in [the] fields [of anthropology and folklore] is either trivial, misleadingly partial, or simply wrong. 'Culture' is briskly but vacuously defined on p. 124 [of *Oral Tradition as History*] as 'what is common in the minds of a given group of people.'

Vansina's "misleadingly partial" view of culture, particularly his belief that cultural context serves as a barrier to the interpretation of the historical meaning of a given text, makes his claim to understand the meaning of cliche and imagery suspect. And his focus on the structuring of oral narrative is not to imply that an understanding of the process of construction of narrative is a necessary goal, but that, as for McEachern, *written* historical evidence represents an unproblematic reality against which oral tradition should be judged.

Julie Cruikshank takes issue with the privileging of the written historical record in much of contemporary historiography and calls for a "critical handling of the symbolic and mythical elements in written, as well as in oral, accounts" (1992:21). She notes that the term "discovery" with reference to the Gold Rush connotes a "discrete, bounded incident" whereas Tagish narratives "focus less on an event than on a process" (21). Further, written accounts paint Skookum Jim as a rugged individualist, a picaresque hero in the Horatio Alger vein, thereby rationalizing, albeit unself-consciously, Western expansionism and domination of Native peoples.

But oral accounts emphasize "not the exceptional man but his social context, in particular the extent to which he approximated the Tagish ideal [of how Tagish society should work] at a time when it was increasingly difficult to achieve" (Cruikshank 1992:2). These traditions therefore uphold notions of cultural resilience and autonomy. Tagish stories stress Jim's acquisition of a frog spirit helper, his encounter with "Wealth Woman" and his exemplary assumption of responsibility for his sisters rather than any desire to be a prospector or to discover gold. Cruikshank describes how the mythic and historical consciousnesses are integrated:

> As a young man ... [Jim] once saved the life of a frog trapped in a deep hole. Later, it returned to him on two different occasions.... Tagish people credit this animal helper with a significant role in the eventual discovery of gold. [The encounter with Wealth Woman] was equally significant. A complex figure in Tagish mythology, she rewards anyone who hears her, catches her, and follows a prescribed ritual. Both Jim and his nephew Charlie heard her, but as fast as they ran, they could not overtake her. Consequently, the money that came their way after the discovery of gold did not last (2-28).

The actual discovery of gold is incidental to the main story line: the focus is on Jim's journey down the river, guided by his frog helper, to find his missing sisters. Cruikshank's analysis of this Athapaskan historical narrative, then, describes how the

novel semantic category of gold is embedded in the traditional mythic tale of Wealth Woman, a symbol that serves as a coping strategy for the historical reality of the invasive imperialism of the Gold Rush.

"Tropics of Discourse"

But Hill and other theorists (e.g., Fernandez 1991; Turner 1991) emphasize that interpretation of these historical narratives (and other discursive phenomena) should concern itself not with metaphor as an isolated trope, but rather with the "play of tropes." In this view, metaphor is seen in dynamic relation to other master tropes and the theory of tropes is related to social action and historical process:

> To attempt to characterize the cultural meaning of a complex process ... in terms of a single trope (e.g., "it's metaphoric") is to fail to recognize that both tropes and cultural structures are constructed through a "play of tropes," a dialectical process in which meaningful wholes are simultaneously integrated as parts of larger wholes and differentiated into new patterns of relations among their own parts. Not only is meaning constructed in such a process through the interplay of distinct tropes, but the same symbolic elements ... figure in different tropic capacities at different levels of the structure of the same ritual, myth or other type of meaningful construct (Turner 1991:150).

Turner gives as an example of this "dialectical process" an analysis of the much-explicated Bororo expression "We are parrots." Karl von den Steinen remarked in 1894 that it was apparent from this popular statement that the Bororo could not distinguish between humans and animals. In our contemporary, more culturally relativist era, Christopher Crocker has determined that since there is no metonymy at work (i.e., *araras* and humans do not form a part/whole relationship), the statement must be metaphorical and further determined that the similarity between tenor and vehicle rests on the fact that the Bororo believe that both *araras* (the specific parrot referred to by the Bororo) and humans are beings in which libidinous spirit-energy and essential spirit-being (soul) "stand in uneasy compromise" (133).

Turner rejects this analysis on two grounds: first, he notes that the expression "we are parrots" refers, in Bororo society, to males only, whereas Crocker's explanation could conceivably apply to females as well. Secondly, Turner identifies an interactionist element to metonymy that is similar to that of metaphor (in which two new meanings are created through the interaction of the tenor and vehicle of the trope). That is, he concludes that "metonymy may create the semantic and intentional whole to which its members are defined, for the purposes of the trope, as belonging. Outside or prior to the metonymy itself, they may well be seen as belonging to separate wholes" (1991:134). Thus, in contrast to Crocker's view that *araras* and humans do not form a part/whole relationship (thereby ruling out metonymy from his analysis), Turner suggests that by virtue of the metonymic

relationship itself, a part/whole relationship may be generated. He explains that the expression "we are" actually translates as "we become" and through the use of *araras* feathers in certain Bororo ceremonies, "Bororo men metonymically create a new external form for themselves as spirit beings" (139), that is, they *become araras,* thereby empowering themselves as spirit actors. Through the metonymic association of the part (feathers) of the whole *(araras),* Bororo men take on a metaphoric existence as *araras,* that is, they *become araras,* and metonymically acquire the power (part) of the *araras* (whole). The movement of the dancers in this ritual ceremony celebrating the rites of passage of Bororo men recreates the patterns of the village space, thereby metaphorically constructing key transformations of social relations. Thus, to "become *araras"* is to "become fully human, in the sense of a social being capable of transcending and recreating the structure and meaning of a social life" (150).

Meaning of tropes in myth, ritual and historical narrative, then, rests on the way domains are linked in the interaction or "play" of tropes, domains that are normally considered separate. A shift in perspective occurs through metaphoric identification, "as metonymically contiguous parts of a more powerfully integrated totality [are] brought into being by ritual action and 'spiritual' power" (Turner 1991:155). It is this complex, embedded notion of tropes that Turner asserts is the "fundamental basis of cultural discourse and social performance" (158).

Meaning and legitimacy in oral tradition, then, can perhaps be described as the piecing together of the process of cultural agency -- how cultural actors have constructed the play of tropes in that particular cultural and social context. This chapter will assess how meaning and legitimacy are interdependent by application of this process of tropic construction to a particular story related by Mary Johnson at the *Delgamuukw* trial. Although this chapter constitutes what may be seen as an interpretation or explanation of a specific Gitksan historical narrative, the following analysis is not meant to form an explication of the text or to imply knowledge of its meaning in Gitksan terms. Rather, it serves as a case study for theoretical speculation on how structural/tropological aspects of narrative may form the *basis* of meaning in a specific cultural context.

The Story

For the most part, Gitksan historical accounts describe events that occurred at ancestral villages, and tell of encounters with natural and supernatural phenomena and of battles with neighbouring groups. Many of the Gitksan narratives describe the migration from T'am Lax amit[1] at the forks of the Skeena and Bulkley Rivers to other locations in the territory, many of them still occupied today.

In order to provide evidence for the claim that the Gitksan have occupied and owned their territory for several thousand years, Mary Johnson told the court the story of the Seeley Lake Mediik (Grizzly Bear); McEachern's quotation of her telling

of story is in Appendix 1 of this thesis. The plaintiffs claimed that this supernatural event is an account of the Seeley Lake land slide which occurred roughly 3500 years ago (the assumption being that if the Gitksan narrative is about this event, the Gitksan must have been there). The story takes place at T'am Lax amit and opens with a description of the behaviour of several young women who dance with trout backbones on their heads as decorations. Shortly after they return home, a terrible noise is heard from the direction of the lake. The people race to the water's edge and discover that a huge grizzly bear is trampling down the trees on the opposite shore. It then enters the lake and swims across. They know that it is a supernatural being because the arrows they shoot at it miss their target and are redirected at themselves. The grizzly kills many of the villagers before turning back and disappearing into the lake. Mary Johnson concludes that the young people should not have played with bones of animals that are used for food as this is what caused the tragedy.

Several observations can be made here that have bearing on the elucidation of meaning of the story. First of all, it should be noted that since *ada'ox* are owned and therefore private, Mrs. Johnson is undoubtedly recounting only those details of the story that have relevance as evidence for the land claims case. It is therefore not possible to determine the full meaning of the text. Secondly, just as the Bororo have not conflated humans and animals in their expression "we are/become parrots," so the Gitksan are able to distinguish between a grizzly bear and a land slide. This is therefore a tropic construction of some cultural significance. Finally, the telling of this story, although in a context which will provide new cultural significance, is detached from its usual cultural context, the Feast. It is therefore useful to examine how the telling of the story at a potlatch creates an interconnectedness of meaning for historical narratives. Although the customary ethnographic overview has "obvious shortcomings" (Cruikshank 1991), it can provide a modicum of what might be the full performative context for the telling of oral histories in the Gitksan cultural and social contexts.

Ethnographic Overview

As noted in Chapter Two, Gitksan and Wet'suwet'en society is organized by both Clans and Houses. The House, or corporate matrilineage, owns hunting, fishing and gathering territories as well as myths, ceremonial rights, songs, names and crests. Margaret Seguin (1984) has likened this extended use of household to the central metaphor of "container." That is, it functions as a structure and also represents all those who live within it, as well as implying that they are entitled to enjoy certain privileges through membership in the House. Houses, at least prior to European contact,[2] were ranked and divided into chiefly and commoner "classes," with the chief inheriting the highest ranking and most important names. The names of the hereditary Chiefs "represent the encapsulation of the peoples' history and its projection into the present and the future" (Wa and Uukw 1987:32). The assumption of these names at a Feast indicated that an individual had acquired adulthood.

Associated with the assumption of names were crests, "a series of named entities or objects, usually referring to animals, which were owned by social groups who were privileged to represent them according to certain rules on [various objects of material culture]" (Halpin 1984:1). Each House belonged to four nonlocalized clans which were associated with crest plants or animals. The four Gitksan clans are Fireweed, Wolf, Eagle and Frog/Raven. The crests are a legacy from the ancestors of myth time who first encountered the crest animals, and they are held in perpetuity by the lineal descendants of these ancestors in each House. The assumption of a name at adulthood was in association with the crests of the House and reflected the degree of relative importance of the assumed name. Thus ownership of a common crest implied kinship. Although crests were the property of the House, ownership was vested in the highest ranking names and was under the control of the Chief.

Crests were linked with Houses through the telling of *ada'ox* at Feasts. "A crest without a myth to explain its origin and its connection with the owner was an impossibility; and such a myth was the patrimony of a clan or a family" (Marius Barbeau in Halpin 1984:19). Through the telling of the *ada'ox* associated with the history of a particular crest, the teller asserts his/her right to claim and display the crests associated with that narrative. Therefore the telling of a narrative "transformed a crest display into an assertion of crest ownership" (19) by linking the claim of the owner with the ancestors. This association consisted of a recounting of the events (usually a journey) in which the crest or crest animal was encountered; and the relationship of the teller of the narrative with the ancestral origins of the crest.

The assertion of crest ownership was validated by the guests at the Feast. The Gitksan and Wet'suwet'en describe their methodology in the following quotation from their Opening Statement to the B.C. Supreme Court:

> In Gitksan and Wet'suwet'en society the Chiefs are responsible for their part of the society's history and for knowledge of their particular territory. However, Chiefs are reluctant to answer questions about histories or places that properly belong to someone else. It is as if to speak of another's territory were to constitute a trespass. As a total system of knowledge, therefore, Gitksan and Wet'suwet'en facts are shared out. The totality of the historical record exists in the minds of the Chiefs that feast together, those feasting together being those whose historical paths have crossed. In this way, the record of Gitksan or Wet'suwet'en history exists in its totality in the minds of those whose duty it is to remember it. Each Chief tells his history in the living context of the knowledge in others' minds. Thus, when a Chief describes the events that took place long ago, events that he or she could not possibly have witnessed, these can be told as established truths by virtue of having been tested and validated at a succession of narrations. These typically occur at the Feast where other Chiefs are responsible for ensuring that all that is told is told as it should be. Elders know that the important

> parts of their history [contained in or expressed through the stories] have been told, heard, and acknowledged many, many times. This accumulated validation lies behind the present day chiefs' insistence that a particular story is true and is not anything like mere hearsay (Wa and Uukw 1987:39).

Halpin (1984:20) claims that the display of crests provided "the visual dimension of the potlatch" and therefore represented "the visual celebration and confirmation of the social order." The connection between the (visual) symbolic representation of animals and the social order of the Gitksan and Wet'suwet'en is therefore a central "tool" in the construction of the narrative representation of the historical account of the origin of these crests and the ancestral relationships to them. Sherry Ortner (1973) refers to this centrality by the concept of "key symbol." One type of key symbol, the "elaborating" symbol, provides a vehicle for

> sorting out complex and undifferentiated feelings and ideas, making them comprehensible to oneself, communicable to others, and translatable into orderly action. Elaborating symbols are accorded central status in the culture on the basis of their capacity to order experience.... Their key status is indicated primarily by their recurrence in cultural behaviour or cultural symbolic systems (1340).

A "root metaphor" (a type of elaborating symbol such as the role of cattle in Dinka thought)[3] assists in sorting out interrelationships between major social categories by relating a known entity (in this case a biological organism) to the more abstract notions of social behaviour and cultural structures and institutions. Similarly, "key scenarios" (such as the Horatio Alger myth in American culture) imply "clear-cut modes of action appropriate to correct and successful living in the culture" (1341). Nevertheless, Ortner also points out that there is a link between the "thought" mode of root metaphors and the "action" mode of key scenarios: "Root metaphors, by establishing a certain view of the world, implicitly suggest certain valid and effective ways of acting upon it; key scenarios, by prescribing certain culturally effective courses of action, embody and rest upon certain assumptions about the nature of reality" (1342).

The symbolic representation of certain animals on crests and other material objects and in their associated historical narratives could be said to operate in much the same manner as Ortner's root metaphors and key scenarios. Animals and humans, in the Gitksan and Wet'suwet'en cultural system, live in parallel worlds although with "refractions of structure" (Seguin 1984:119). Each animal species has its own village, and its social organization also consisted of chiefs, commoners and slaves. To the Gitksan and Wet'suwet'en

> human beings are part of an interacting continuum which includes animals and spirits. Animals and fish are viewed as members of societies which have

> intelligence and power, and can influence the course of events in terms of their interrelationship with human beings (Wa and Uukw 1987:23).

Although animals and humans enjoy similar cultural structures, institutions and activities (e.g., kinship and hunting/gathering), there is also an asymmetrical aspect to this parallelism; "Animals are animals *and* people, but 'real' people are just people" (McNeary 1984:12). The transformation of humans to animal form are only "matters of perception" (11). For example, in one story a woman had a human/bear husband: "When she entered the Bear world, she perceived the Bear as a person like herself. When she left it, she saw a bear" (11). Also, to humans salmon are a source of food, but to Salmon People, cottonwood leaves floating on the river are like salmon coming to spawn. These varying perceptions are at the whim of the "other"; the animals and supernaturals are in ultimate control of what is perceived.

Since animals are not alien beings, but are in effect "people," they understand the human concept of reciprocity. Therefore because humans are dependent on animals for food, in order to ensure abundance humans must establish a positive relationship with these animals: "The Salmon or the Mountain Goats can appreciate our fulfilment of our ritual obligations to them because it affects the health of their human forms. The Killerwhales welcome offerings of tobacco and paint because, being people, they have use for these things" (McNeary 1984:14-15). Because animals and humans live in parallel worlds and because animals become available for food only at their own consent, it is important to maintain proper standards of behaviour with regard to these animals. "Failure in fishing or hunting demonstrated that the [Chiefs] among the animals were not prepared to acknowledge the claims of the human group. A wound or accident signalled a loss of prestige and potency -- if relations with *naxnox* ["spirit, "power," "supernatural being"] were correct, then the accident would not have occurred" (Seguin 1984:11). The Gitksan and Wet'suwet'en explain that it is the reincarnation of these animals that must be fostered:

> If bones of animals and fish are not treated with ... respect, thereby preventing their reincarnation, then they will not return to give themselves up to humans. In this way, a person's actions not only interact with those of the animals and the spirits, but also have repercussions for future generations, deprived of food that will ensure their survival (Wa and Uukw 1987:23).

Seguin (1984:119) illustrates this view of causality by relating the example of the salmon and the cottonwood leaves:

> The salmon come to the world of the Tsimshian to fish for their own salmon, which are to us the leaves of the cottonwood tree -- and while there, their salmon bodies are food in turn for the Tsimshian. As long as the proper respect was shown to the salmon caught, and as long as the fish was

completely consumed (and any bones, etc., burned afterwards, or returned to the water), the salmon would return the following summer.

Thus animals, in the literal sense, provide food; and in the metaphorical sense, are key symbols that establish a "certain view of the world" as well as "certain culturally effective courses of action." By representation of animals on crests, House members assert both ownership of that crest and, by extension, a link with its ancestral origin and with others of the same lineage. And through the system of parallel worlds for animals and humans, certain behaviours are prescribed for the maintenance of relations between the two worlds and for the assurance of abundance of food in the future.

Textual Analysis

Although at first reading, the Mediik story could be classified as a simplistic rendering by an ignorant people of a complex geophysical phenomenon that they obviously did not have the capacity to understand, on the contrary, the Gitksan and Wet'suwet'en had an intimate understanding of the complexities of the natural world and a sophisticated system for classifying and explaining it that is evident in the story on closer reading. As described above, the "scientific" explanation of the natural world operated as a key symbol with representation on both material goods (crests, poles, spoons, boxes, masks, etc.) and in the oral narratives associated with these material objects. Thus the metaphoric representation of a grizzly bear as land slide is inextricably connected to the inappropriate behaviour of the young women with the trout bones. The slide was a manifestation of the parallel world of the Grizzly Bear, a display of the power of the Grizzly to express its displeasure at certain human behaviour and a warning that this behaviour should not continue.

Another aspect of power is also evident in the story. Marie-Francoise Guedon (1984:142) explains that the interrelationship between the supernatural (*naxnox)*, human and animal power is achieved through transformation from one form to another: "When two worlds or two points of view are meeting, as when the salmon people and the human people recognize each other, the power manifests itself in some of the salmon being able to transform into humans and some of the humans being able to transform into salmon." She concludes that since not all beings have the ability to transform themselves that "transformation is a sign of power." She also notes that although human-animal and animal-human transformations are the "basic ones," objects can transform into animals (then into humans and back to objects again). It is possibly this type of transformation that is taking place in the Mediik story.

In terms of Terence Turner's "play of tropes," the Mediik metaphorically is or becomes the land slide through its power of transformation. Power, large size and unpredictable behaviour are obvious similarities between the tenor (slide) and vehicle (grizzly) of the metaphor, but the entire system of transformation of *naxnox* and the

appropriate human/animal interrelationship is synecdochically represented and recalled with each telling of the narrative or visual display of the grizzly. Further, the telling of the narrative itself is a synecdochic reminder of the common lineage of the teller and his/her audience, and therefore has a powerful role in maintaining the House as "container" for ownership of its associated crests, names and territories. The transformation of power from human to animal to object form echoes the power of the original encounter of the Chief's ancestor with the "life of the land" (Wa and Uukw 1987:) and with the origin of the spirit/power of the crest animal. The respect shown for all life and spirit is considered "the basis of our law" (7). This original power is carried in the House's histories, songs, dances and crests; they represent the spirit power (*daxgyet)* of the House. This spirit power is recreated at the Feast through the telling of the histories, the singing of the songs and the display of the crests. The historical identity, territorial ownership and spirit power of the House are thereby witnessed and validated at the Feast. The Feast is understandably considered the "lynchpin or fulcrum of the Gitksan and Wet'suwet'en systems" (30). Thus the metaphor of slide/grizzly itself takes on an extended or interactionist shift to a higher order of meaning; embedded within it is the key symbol of power and relationship of the animal and human parallel worlds as well as of the maintenance of the House system itself.

Notes

1. T'am Lax amit is usually considered by anthropologists, as a "mythical" village of several thousand inhabitants which existed prior to the migration of the Gitksan to the locations they were resident in at time of European contact; no archaeological evidence for its existence has been found.

2. At various points in their history, Gitksan and Wet'suwet'en Houses have split off or amalgamated with other Houses, depending on population increase or decline.

3. Ortner elaborates on this example by explaining that "cows provide for the Dinka an almost endless set of categories for conceptualizing and responding to the subtleties of experience" (1973: 1340). Among the most interesting of these is the perception of colour; the Dinka distinguished light, shade and colour based on the colour-configurations of their cattle. Also, division of meat among kin represented graphically the interrelationships between various statuses and other social categories of the Dinka.

CHAPTER V: CONCLUSIONS

> Because we have no written contemporary account of the landslide at Stekyooden ... must the Court view the scientific, geological, and archaeological evidence as the only real evidence of the time depth of Indian occupation of the territory? Must the plaintiffs [sic] own accounts of events which took place hundreds and thousands of years ago be deemed unscientific and mythical, mirages of reality, rather than the evidence of history?
>
> Gisday Wa and Delgam Uukw

Introduction

As is evident from the analysis in Chapter Five, the Gitksan and Wet'suwet'en have a sophisticated and integrated cultural system that is evoked through the Feasts in the display of crests and in the telling of their histories. Despite the evidence of this system presented in court, however, Judge McEachern clung firmly to his own Western world view and would not give weight to the Gitksan and Wet'suwet'en's understanding of events. Many examples of this inflexibility of interpretation could be cited from the *Delgamuukw* judgment; but the most telling in the context of this dissertation is perhaps the credence given the corroborating evidence to Mary Johnson's oral testimony.

Scientific Evidence

The evidence of Dr. Alan Gottesfeld and Dr. Rolf Mathewes was given at the request of the plaintiffs to corroborate the oral testimony of Mary Johnson (see Appendix 2). Dr. Gottesfeld, a geomorphologist, was contracted by the Gitksan to correlate the data on soil analysis at the site of the slide with the *ada'ox* descriptions supplied by the Gitksan. He determined that, although there have been a number of newer slides in the area, the largest and most significant slide occurred 3,580 years ago.

Dr. Mathewes, a paleobotanist, undertook pollen analysis in the area and analyzed aspects of soil formation. He concluded that there had been a significant increase in the water level in Seeley Lake, as is evident by a band of clay dated to roughly 3500 years ago. A high pollen count immediately above the band confirmed these conclusions. This clay deposit represents debris from the damming of Chicago Creek (which normally fed the lake) by a "big massive deposit that came in and filled the valley" (*Delgamuukw* 1991:66). This debris "would be distributed throughout the lake and gradually settle down and be incorporated in sediments throughout the lake" (66).

McEachern concludes from this evidence that "the slide probably did cause the level of the lake to rise as postulated" (*Delgamuuwk* 1991:66). But in doing so he also dismisses the oral evidence of the *ada'ox:*

> The Medeek or supernatural portion of these adaawk is a matter of belief, or faith, rather than rational inference. That portion of the adaawk is not necessary for the purposes for which the adaawk is tendered in evidence.... If these adaawk stood alone, I could not infer much more than human presence (66).

Scientific evidence is reified as "true" and the oral evidence as "faith," thereby reaffirming the ethnocentric bias of the judgment.

But as has been argued in this dissertation, it is essential to interpret the oral historical evidence of land ownership within its own cultural context. Not that corroborating evidence cannot be introduced or that instances of cross-fertilization of accounts cannot be productive,[1] but that sole reliance on Western criteria for establishment of the "truth" of narrative can undermine the integrity of indigenous historiography. Similarly, anthropological approaches that do not take the local cultural context of narrative into account or that deny cultural or social agency in the construction of historical accounts, equally extend an imperialist legacy to intellectual pursuits.

Renato Rosaldo (1980) therefore concludes that what is required in reconstructing what really happened in the past is a "double vision that focuses at once on historians' modes of composition and their subjects' ways of conceiving the past" (89). He critiques Vansina's focus on the "authenticity and truth-value of oral sources" and instead suggests that central questions for the study of indigenous history should concern "the nature of historical writing, the character of oral sources as evidence, and methods of interpretation" (89). His primary focus is on the "logic and rhetoric of composition in historical studies" -- the central genre of which he calls "analytical narrative" (89). Although Rosaldo notes that there is a sharp distinction that can be drawn between analysis and narrative, "the key point is that much of what goes under the name analysis is crucial to the story being told" (90). Therefore, the scholar (or audience, for that matter) must regard the historical narrative not as containing "facts to be mined" but as a text in which perceptions are organized in certain ways: "Whether written or oral, documents both contain information and embody cultural conceptions.... Plundering other people's narratives by sifting them into degrees of facticity ... risks misunderstanding their meanings" (92).

The Making of History

Although, since the ownership and telling of the Mediik story is private and open to House members only, it is not possible to ascribe other contextual aspects to this (or any other) Gitksan narrative, we are privileged in hearing the version of this *ada'ox* told by Mary Johnson to the Court. The telling of this *ada'ox* in the courtroom provides a window -- a slice of history and its context from which we can attempt to understand the cultural system that is interrelated with it. Each telling or performance of the Mediik story adds an increment to the embedding of metaphor and synecdoche:

> In each pole-raising Feast, the display of the crests, the telling of the ada'ox, the singing of the songs, recreates the historical events they represent. This history is relived in the Feast. The identity and power it confers on the House group is thus kept alive through its continuous recreation by each generation (Wa and Uukw 1987:28).

It is reasonable to infer that any future reference to Mediik will synecdochically represent all its past tellings as well as this current one. Thus not only is content communicated but also context; the history of the telling becomes one with the telling of the history.

Notes

1. See, for example, Julie Cruikshank's "Legend and Landscape: Convergence of Oral and Scientific Traditions in the Yukon Territory" (1981) for examples of how oral narrative has contributed to the collection of scientific data in the north.

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APPENDICES

Appendix 1

Chief Justice McEachern's Citation of Mrs. Mary Johnson's testimony, from *Reasons for Judgement*, Part 8, "The History of the Gitksan and Wet'suwet'en People," pages 61-62.

In my view, the archaeological evidence establishes early human habitation at some of these sites, but not necessarily occupation by Gitksan or Wet'suwet'en ancestors of the plaintiffs. It is highly significant that there is no physical evidence supporting the plaintiffs claims at other than a few Skeena village sites and at Hagwilget and Moricetown Canyons. Moreover, much of this evidence is highly equivocal with findings of white man's garbage mixed with possible archaeological features, and similar findings of both kinds have been found at many locations throughout the region outside the territory.

The archaeological evidence is helpful to the plaintiffs because it establishes human habitation at a few locations along the Skeena and at two locations on the Bulkley for a long, long time before the date of contact. However, such evidence is not directly connected to the ancestors of the plaintiffs. The absence of any significant archaeological findings at the supposed sites of Temlaxam and Dizkle casts doubt upon the authenticity of some of the adaawk and kungax, and upon the migration theory of Ms. Marsden which I shall discuss shortly.

(e) The Seeley Lake Medeek

In some of the Gitksan adaawk there are accounts of a supernatural event which is said to have occurred at Seeley Lake, which is on the highway side of the Skeena River a few kilometres down river from present day Hazelton, and about 2 kilometres from the river. This lake is across the Skeena from one of the suggested sites of the unproven ancestral Gitksan village of Temlaxam.

This event was described by the witness Mary Johnson during her evidence about the adaawk of her house. This is what Mrs. Johnson said at trial.

> "A: After all the fishing is finished and all the hunting for — for mountain goats and groundhogs and the mountain and all the berry picking is finished, then they got nothing to do, so the maidens would go and make the camp at the lake, at the foot of Stekyooden, and they caught some grouse.
>
> THE COURT: At the foot of which?
>
> MR. GRANT: Stekyooden, number 29 on the list, My Lord, the list provided today.
>
> THE COURT: Yes.
>
> MR. GRANT:
> Q And I don't know if — I was watching the reporter but the word she said was "maidens". I don't know if you caught that, it wasn't a Gitksan. You were saying the foot of Stekyooden?
>
> A They — as they were caught — after they were caught many trouts, they cut out the back bone of the skin, and tails are still on the back bone. And as they was staying there, they learned the dances of the people and all the songs, and the way they were — they move when they were dancing. So one time, one young lady cut one of these back bone and put it on her head as a decoration while dancing. And she would happen to be near the — near the lake, and she look at herself at the edge of the lake, and she saw it was the bone looks really, really beautiful and why she dances gracefully. So she ran and told the others what she have found, and show them. Then they all got back bones and decorated their heads with it and some of the people used to come over and watch them and they didn't put a stop to it, and they smiled at

what's going on. So after they all went home when it's time to go home, the people of T'am Lax amit heard a terrible noise, and they —

Q Can I stop you a moment. You said they went home?

A Yeah.

Mary Johnson (for Plaintiffs) In chief by Mr. Grant

Q Is that — they returned from the lake to T'am Lax amit?

A Yeah. They left the lake and the people watched where the noise comes from, and they've seen some great big trees were throwing about the top of the rest of the tall trees, and they just stood there wondering what happened, until it comes — there is a little stream that runs from the lake and goes into the Skeena River, and that's — and this thing followed the little stream, tramping down the trees. And finally they see this great huge bear, grizzly bear that they have never seen before. And the chiefs sent messengers through the village to — after warriors, to have the warriors ready, which they did. And not long after the messenger went out, all the warriors came out with their spears and arrows and bow and arrow, and hammers that are made with stone, all those from weapons that strong young men use, they all come out bravely to meet this great grizzly bear. And he gets to the water and swam across and — and they went in front, they all went in front of him, but he is — he is a supernatural grizzly bear, they call him Mediik, and whenever they are shot him with an arrow, the arrow flies way up high instead and fall back down again and it hit the warriors, and they were wounded. And this grizzly bear tramped them until they were crushed to the ground, and goes through the village and kills a lot of people. And after that he — he came — he turned and go into the water again, follow the stream where he came from the first place. So the brave warriors went to — to see where he went, and it goes into the lake, disappeared into the lake. That's why the wise elders told the young people not to play around with fish or meat or anything, because the — because the Sun God gave them food to eat and those who — just they should just take enough to eat and not to play with it, that's why this tragedy happens to them.

Q Did any of the people go back up the trail that this grizzly bear followed down the mountain afterwards?

A Yeah. They went — they went to follow the trail and that's when they see that he disappeared, his track disappeared into the lake. So they believed that it's the revenge of those trouts, because they played around with their bones.

Q And is that lake — do you know what that lake is known to the non-Indian today, the name of that lake?

A They call it sec Seeley Lake.

This event, without reference to the fight with the giant bear, is also described in Walter Wright's **Men of Medeek,** which is a collection of oral histories. In this collection is also found the adaawk of Izaac Tens (Nikadeen) where the lake is said to rise, and he also describes the slaying of the Medeek in the lake.

Appendix 2

Chief Justice McEachern's citation of the testimony of Dr. Allen S. Gottesfeld and Dr. Rolf Mathewes, from *Reasons for Judgement*, Part 8, "The History of the Gitksan and Wet'suwet'en People," pages 63-66.

The plaintiffs' position is that the adaawk and other historical references to this grizzly bear event is in part an oral historical description of the great Seeley Lake slide. A part of this slide is scientifically dated at around 3500 years ago, so the plaintiffs say Gitksan persons must have been in the area at that time.

With a view to establishing a scientific explanation for this legend consistent with the ancient presence of Gitksan people in the region of Temlaxam and its environs, the plaintiffs engaged Dr. Allen S. Gottesfeld and Dr. Rolf Mathewes. Dr. Gottesfeld is learned in geomorphology which is the study of existing land forms and the processes that cause them. Dr. Mathewes is learned in palaeobotany and in particular pollen analysis and environment reconstruction.

It will be convenient to describe Dr. Gottesfeld's evidence first. He studied the landslides in the Chicago Creek basin which drains Seeley Lake into the Skeena.

Dr. Gottesfeld explained that all of British Columbia was covered by ice during the last Ice Age but beyond its margins somewhere in the State of Washington the soils are much deeper and more developed. They have redder colours and the breakdown of rock is much greater, leading to the conclusion that there has been a lot more time for soil development processes to occur south of the glaciers. Relative soil development has become a standard technique for describing the sequence of glacial deposits in North America. With younger deposits in areas undisturbed since the last Ice Age (about 10,000-11,000 years ago), one finds less soil development. Deposits which have intermediate levels of soil development show signs of incipient soil development, slight reddening, and breakdown of feldspar materials to clay and textural changes suggesting intermediate development. Deposits found in the Hazelton area formed in the last 100 or 200 years have essentially no soil development.

Radiocarbon dating is a technique which produces absolute dates but it requires the collection of organic material like pieces of wood, peat, pollen or other material. Such samples are often difficult to find.

Following three days of fieldwork in July 1985, Dr. Gottesfeld furnished a draft report and then entered into a contract with the plaintiffs which included a specific assignment to:

> "a) conduct geological fieldwork and review published data on the post-glacial deposits of Stekyooden between Mudflat Creek and Carnaby that will;
>
> (i) confirm the Carnaby and Chicago Creek slides correlate with the Adaawk descriptions supplied to you with respect to type of event, size of event and the blocking of the Seeley Lake outflow . . .
>
> ii) date the above noted events by identifying major slide deposits and obtaining and testing suitable carbon samples . . ."

Dr. Gottesfeld said he was asked to correlate these slide areas with the Adaawk descriptions he had been given.

After entering into his consulting contract, Dr. Gottesfeld undertook intensive field-work in the Chicago Creek slide areas, dug some test holes and looked for samples suitable for carbon dating.

He identified the Chicago Creek landslide areas as a debris torrent or avalanche which is one which occurs outside stream channels and accordingly tends to cover greater land surface areas. He identified two slide areas, one in the Chicago Creek basin and one just to

the east, the latter being a very active slide area, the age of which was not determined because recent slides in the last decade or two cover older parts of it.

The second debris fan originates in a contour valley just east of Chicago Creek but spreads both east and west as it moved north and its western extremity impinged on Chicago Creek. All is shown in Figure 2 of Dr. Gottesfeld's report (Exhibit 785).

Dr. Gottesfeld said that the bulk of that slide is active and has a 20th century age. Sticking out from under the edges of this modern debris fan are lobes of older material which, when examined and dated by soil development, indicate they were formed at the end of the Ice Age about 10,000 years ago. On the westerly edge there appears to be a mid-holocene deposit. This lobe appears to dam the Seeley Lake outfall.

He says this debris (mid-holocene) was formed from 3,000 to 6,000 or perhaps 8,000 years ago.

From test hole 13, which is shown on Figure 11 to be on the northeast edge of the Chicago slide area, samples showed an age of 1930 plus or minus 80 years B.P. From test hole 14, samples yielded a date of 3580 plus or minus 150 B.P.

Dr. Gottesfeld rationalized the discrepancy between the two dates by reference to the different composition of the areas in which they were found. His conclusion is that the date of the westerly edge of the slide in the Seeley Lake marsh area is more accurate and "... 3580 dates a time within a few years of the appearance of the landslide ...,"

He said that although a large part of the westerly edge is covered by newer slides, the underlying 3580 year feature is the largest geomorphological event in the area.

From this basis Dr. Gottesfeld concluded that this debris lobe diverted Chicago Creek and dammed the outlet of Seeley Lake.

In his evidence he said that when this event occurred:

> "... there would be a tremendous noise, overwhelming loud noise, a great cloud of material, swaths of forests being cleared as the debris slide came down across the Chicago Creek fan ... I envisaged the debris tarring where lots of water was incorporated and debris and there would be this great mud-charged mess of material coming down the valley, a great rolled wall of brown material, trees tossed around, just a swath of countryside being cleared that would come towards you, I am sure you would be frightened and run away ..."

I agree with his last statement.

Dr. Rolf Mathewes was qualified as an expert in the field of palaeobotany and in particular pollen analysis and environmental reconstruction. "Paleo", as everyone knows, refers to the past. A subdiscipline of palaeobotany is palynology which specifically refers to the study of microscopic pollen grains and spores which are the most abundant fossil remains and are widely used in paleoenvironmental reconstruction, particularly in the last few million years. It is sometimes called pollen analysis.

Dr. Mathewes took 4½ metres of 4.5 cm. diameter core from the bed of Seeley Lake. This shows a layer of clay about 1½ metres below the lake bed. This clay band is shown in the photographs shown as Figure 5 in Dr. Mathewes' report (Exhibit 780). At vol. 143-9078 Dr. Mathewes gave the following evidence:

> "Q: And when you saw that clay band that's indicated there, what did that band indicate to you?

> A: Well, such bands do occur in lake sediments and they usually indicate some form of disturbance. It's a — usually an inwashing of mineral matter. The lighter colour is due to portions of silt and clay which are lighter in colour than the dark organic residues. Therefore this suggested input of mineral matter would suggest some sort of disturbance in the immediate watershed. That's reflected in the bottom sediments accumulating on the lake."

With carbon dating of macrofossil and pollen analysis of samples taken on either side of the clay band, Dr. Mathewes established the sample to be 3380 plus or minus 90 years B.P. A deeper clay band was found to be 6330 plus or minus 160 years B.P. while deeper gravel deposits were found to be 9230 plus or minus 130 B.P. At 143-9081 Dr. Mathewes said:

> ". . . There are a number of possibilities for such clay bands in the lake, but looking at all the evidence that I could find, I would feel very strongly that this clay band was formed by a sudden rise in water level at the time of around 3380 years ago, which caused mineral matter to be washed into the lake and deposited as part of [the first clay band]."

Dr. Mathewes also described a very abrupt increase in the number of seeds and pollen above the clay band. Right above the clay band is the largest collection of birch seeds in the whole core with the exception of the early stages around 9,000 years ago. This heavy concentration of birch seeds found right on top of the clay band is from trees that would be expected to grow around the lakeshore. This influx of seeds was suggested by Dr. Matthews to be caused by rising water levels which washed these seeds from the forest floor and deposited them in the lake.

In addition, he found no macrofossil remains of the water plant, ceratophylium (coon tails), below the clay band but a huge concentration of this plant remains immediately above the clay band. This suggested to Dr. Matthews that something was bringing a lot of plant debris and detritus into the lake and such plant remains eventually settled on the bottom. He says this is consistent with a landslide disturbance of the water.

Dr. Matthews considered and discarded alternative causes other than the landslide blockage of the stream outlet as possible causes for the clay band found beneath Seeley Lake. These included fire, storms and the activities of beavers. He eliminated fire because of the lack of any increase in carbon content in the samples taken throughout the depth of the core. Similarly, he found no reason to think there was any relationship between the older clay layer and the newer one.

There are numerous difficulties with this, not the least of which are that there is no evidence of a village at Temlaxam; that there have been many major slides in the vicinity of Seeley Lake, some in the historic era; and it is difficult to equate a massive land slide to a grizzly bear. On the other hand, the appearance of a bear in the course of such a slide may be understandable **post hoc** reasoning which does not affect the dating of the event.

I do not doubt a gigantic slide caused a blockage of Chicago Creek 3500 years ago, but the portion of the slide identified by the scientists to be of that date is only a portion of the many slides in the area, and I am troubled that its intersection with the course of Chicago Creek may be well below the level of the lake. If this were so, it would have been unlikely to raise the level of the lake because backed up water would probably have found another downhill course to the river.

The evidence on this question is uncertain. I rather thought, when listening to the evidence of Dr. Gottesfeld, that he was describing an intersection at an elevation lower

than Seeley Lake, and I think his report suggests this. At the end of his evidence, however, I asked these questions:

> Q And is it your evidence that the slide caused a damming or backing up Chicago Creek and that in some way brought the clay deposit to the underbed of Seeley lake?
>
> A I think it's very likely. As I read Dr. Matthews' report the lithology of his clay pan one match the lithology of the clay deposit that I dated from among the boulders at the edge of the Seeley swamp. I think it is the same layer.
>
> Q What is the mechanism that causes — that explains the presence of clay pan from damming of the creek and the possible raising of the water level?
>
> A Well, what I would imagine happened was there was this great bulge, this big massive deposit came in and filled the valley, that Chicago Creek was then running all over the deposit, or quite disorganized fashion across the top of the deposit, numerous channels washing out the fine crushed rock material from among the boulders and making the lake white with white ground up granite material that came from the debris — from the debris flow and placement, and then that clay and silt would be distributed throughout the lake and gradually settle down and be incorporated in sediments throughout the lake.

I cannot believe such an eminent scientist would have given that evidence if there was such a basic flaw in his theory. I therefore conclude that the slide probably did cause the level of the lake to rise as postulated.

The plaintiffs say this adaawk describes a land slide actually experienced by Indian persons who have preserved it orally as part of their history. On this basis they ask me to infer that Gitksan persons have been in the area of Chicago Creek since at least the time of the slide.

The Medeek or supernatural portion of these adaawk is a matter of belief, or faith, rather than rational inference. That portion of the adaawk is not necessary for the purposes for which the adaawk is tendered in evidence. Assuming these adaawk describe a landslide, I believe it could be reasonable to regard them as confirmatory of other evidence of aboriginal presence in the area at that time.

If these adaawk stood alone, I could not infer much more than human presence. Particularly, I could not conclude those present at the time of this event were necessarily ancestors of any of the plaintiffs. It is just as probable, in my view, that the story rather than the ancestors remained in (or returned to) the area. This demonstrates the difficulty of inferring details from such a generalized account.

If supported by other facts, and subject to the assumption just mentioned, I would not exclude these adaawk as evidence confirming early Gitksan and Wet'suwet'en presence in the area which was, incidentally, immediately adjacent to the Skeena River just a few miles west or south of the forks of the Skeena and Bulkley Rivers. As it turns out, however, I am able to infer Gitksan and Wet'suwet'en presence in that general area for the required time-depth on other evidence, particularly archaeology, linguistics and genealogy without having to decide whether these adaawk actually describe a land slide.

In the result, I do not reject the possible connection between the landslide and Gitksan presence, but I do not find it necessary to rely upon it.